

THE ASSAM CODE.
VOLUME II.

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THE ASSAM CODE,
IN TWO VOLUMES

CONTAINING

THE REGULATIONS AND LOCAL ACTS IN
FORCE IN THE PROVINCE OF ASSAM ;

WITH

CHRONOLOGICAL TABLES, NOTES AS TO SCHEDULED DISTRICTS, AND
DE-REGULATIONISED TRACTS AND AN INDEX.

VOLUME II.

BENGAL ACTS 1865 TO 1899, AND EASTERN BENGAL AND ASSAM
ACTS, 1907 TO 1912 AND APPENDICES I AND II.

CALCUTTA
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1915

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[With respect to the entry of repealing enactments in column 4 of this Table, the following has been the ordinary practice :—

- (1) where an enactment has been totally repealed more than once, the latest repealing enactment has alone been entered ;
- (2) where an enactment has been partially repealed and afterwards totally repealed, the total repeal only has been entered : a repeal of the unrepealed portions of an enactment is treated as a total repeal ;
- (3) partial repeals covered by later partial repeals have not been entered ;
- (4) local repeals covered by later local repeals have not been entered .
- (5) where an enactment has been locally repealed and afterwards repealed by an enactment whose operation is unrestricted, the later repealing enactment has alone been entered]

| 1 | 2 | 3 | 4 | 5 |
|------------------------|----|---|---|-------|
| Year | No | Short title | How repealed or otherwise affected in Assam by legislation. | Page. |
| <i>(I) Bengal Acts</i> | | | | |
| 1865 | 4 | The Bengal Prevention of Inoculation Act, 1865 | Short title given, Act 1 of 1903 . | 323 |
| " | 8 | The Bengal Rent Recovery (Under tenures) Act, 1865 | S. 1 rep. in pt., Act 1 of 1903 . | 325 |
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| " | 2 | " | Act 3 of 1897 . | |
| 1866 | 3 | The Bengal Legislative Council (Witnesses) Act 1866 | S. 1 rep. in pt., Act 1 of 1903 . | 326 |
| 1869 | 1 | The Bengal Cruelty to Animals Act, 1869 | Short title given, Act 1 of 1903 . | |
| " | 3 | The Bengal Cruelty to Animals (Amendment) Act, 1869 | Supplemented, Ben. Act 3 of 1869 . | 324 |
| " | 7 | The Bengal Police Act, 1869 | S. 8 rep., Act 12 of 1873 . | |
| " | 8 | The Landlord and Tenant Procedure Act, 1869 | S. 9 am., Act 1 of 1903 . | 330 |
| 1870 | 6 | The Village chauthdars Act, 1870 | Short title given, Act 1 of 1903 . | 331 |
| " | 7 | " | S. 1 rep., Act 1 of 1903 . | |
| " | 8 | " | Ss. 14, 20, 70 rep. in pt., Act 7 of 1870 . | 332 |
| " | 9 | " | Ss. 2, 21, 26 am., others as supplemented, Ben. Act 1 of 1871 . | 364 |
| " | 10 | " | Application of Part II ext. — (locally in Assam), Ben. Act 5 of 1870, s. 373; Ben. Act 3 of 1881 s. 371 . | |

¹ The expression " Ben. Act " or " Bengal Act," as used in this Code, means an Act made by the Lieutenant Governor of Bengal in Council.

The expression " E. B. and A. Act " or " Eastern Bengal and Assam Act " as used in this Code, means an Act made by the Lieutenant Governor of Eastern Bengal and Assam in Council.

Chronological Table of Enactments printed in this Volume—contd.

| 1 | 2 | 3 | 4 | 5 |
|-------|-----|--|--|-------|
| Year. | No. | Short title. | How repealed or otherwise affected in Assam by legislation. | Page. |
| 1870 | 6 | The Village-chaukidari Act, 1870— <i>contd.</i> | Ss. 6, 8, 9, 22, 41, 43, 44, 45 am., ss. 9A, 9B, 46B ins., Ben. Act 1 of 1886. “District Magistrate” substituted for “Magistrate of the District” and “Magistrate,” ss. 1, 5 rep. in pt., ss. 3, 4, 11 to 14, 35, 39, 42 to 44, 62, Sch. B am., ss. 3A, 46A ins., ss. 36, 37 rep., s. 64 rep. in pt. and am., Ben. Act 1 of 1892. | |
| 1871 | 1 | The Bengal Village-chaukidari Act, 1871. | Short title given, Act 1 of 1903 . S. 6 rep., Act 5 of 1897. | 381 |
| 1873 | 4 | The Bengal Births and Deaths Registration Act, 1873. | Short title given, Act 1 of 1903 . Supplemented— (locally in Assam), Ben. Act 5 of 1876, Pt. VIII. | 382 |
| 1876 | 1 | The Bengal Muhammadan Marriages and Divorces Registration Act, 1876. | Short title given, Act 1 of 1903 . | 387 |
| „ | 5 | The Bengal Municipal Act, 1876. | S. 159 rep. in pt., Act 2 of 1901 . Rep. locally in Assam, Ben. Act 3 of 1884. | 409 |
| 1879 | 9 | The Court of Wards Act, 1879. | S. 63 rep. locally in Assam, Ben. Act 7 of 1880, and rep. elsewhere in Assam, Ben. Act 3 of 1881, s. 10. Ss. 16, 23, 48, 49, 50, 55, 58, am., ss. 23A, 58A, 65A and new s. 63 ins., Ben. Act 3 of 1881. Ss. 3, 6, 7, 9 to 12, 49, 56, 60 am., s. 48 rep. in pt., s. 60A ins., Act 4 of 1892. S. 17 rep., Act 10 of 1892, s. 9. S. 1 rep. in pt., Act 5 of 1897. S. 2 rep. in pt., Act 1 of 1903. Ss. 9, 56 rep. in pt., ss. 9A, 10A, to 10D, 13A, 34A, 39A, 60B, 64A, ins., ss. 13, 23, 65A am., s. 62 rep., E. B. and A. Act 3 of 1907. | 498 |
| 1880 | 5 | The Bengal Vaccination Act, 1880. | S. 50 am., E. B. and A. Act 1 of 1911. Ss. 3, 4 am., ss. 29A, 29B ins., Sch. I added, Ben. Act 2 of 1887. | 521 |
| 1881 | 3 | The Bengal Court of Wards (Amendment) Act, 1881. | Short title given, Act 1 of 1903 . S. 3 rep. in pt. Act 10 of 1892, s. 9 S. 1 rep. in pt., s. 2 rep., Act 5 of 1897. | 537 |

Chronological Table of Enactments printed in this Volume—contd

| 1 | 2 | 3 | 4 | 5 |
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| Year. | No. | Short title | How repealed or otherwise affected in Assam by legislation. | Page. |
| 1884 | 3 | The Bengal Municipal Act, 1884 | <p>S 251 am, ss 251A to 251D ins, Ben Act 3 of 1890</p> <p>Ss 2, 9, 14, 15, 17, 20, 22, 23, 24, 26, 27, 28, 30, 36, 68, 69(a), 68, 82, 86, 89, 97, 98, 99, 113, 114, 121, 125, 127, 130, 187, 189, 200, 208, 210, 212, 217(4), 218 to 220, 236 to 242, 243, 261, 262, 270, 271, 273(1), 273, 290, 307, 321, 322, 339, 350, 353, 365, and Sch V am, s c, cl (11A), ins ss 8A, 9B, 25 A, 26 A, 26B, 27A, 29A, 37A to 37M, 60 A, 67A, 111A, 141A, 147A, 199A, 210 A, 223 A, 242A, 250A, 256B, 260A, 262A, 318A, 331A, 349A, 349B, 350A, 351A ins, ss 11, 12, 18, 327, 328 rep., ss 40, 57, 70, 85, 87, 320, 351 rep. in pt and am, ss 116, 263, 291 rep. in pt, Ben Act 4 of 1891</p> <p>Ss 117A rep. in pt and am, Ben Act 2 of 1896</p> <p>Ss 37J, 219 am, Act 5 of 1897</p> <p>S 168 rep. in pt, Act 2 of 1901</p> <p>Ss 1, 2 rep. in pt, Act 1 of 1903</p> | 654 |
| 1886 | 1 | The Bengal Village-chaukiani (Amendment) Act, 1886. | <p>Short title given, Act 1 of 1893</p> <p>Ss 7, 6, 10, 11 virt. am, Ben Act 1 of 1892 ss 2(2) 15, 16, s 13 virt. rep. in pt, Ben Act 1 of 1892, s 17</p> <p>Ss. 2, 8 rep., Act 5 of 1897.</p> <p>S. 1 rep. in pt., Act 1 of 1903.</p> | 661 |
| | 3 | The Bengal Municipal (Amendment) Act, 1886. | <p>Short title given Act 1 of 1903</p> <p>S. 1 rep., Act 1 of 1903.</p> | 663 |

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| 1 | 2 | 3 | 4 | 5 |
|---|-----|--|--|-------|
| Year. | No. | Short title. | How repealed or otherwise affected in Assam by legislation. | Page. |
| 1887 | 1 | The Calcutta Survey Act, 1887. | Declared applicable to Municipalities, Ben. Act 3 of 1884, s. 223A (ins. by Ben. Act 4 of 1894, s. 66). | 666 |
| „ | 2 | The Bengal Vaccination (Amendment) Act, 1887. | S. 1 rep. in pt., Act 1 of 1903. Short title given, Act 1 of 1903 . S. 1 rep. in pt., s. 3 am., Act 5 of 1897. | 672 |
| 1889 | 2 | The Private Fisheries Protection Act, 1889. | Supplemented, Act 4 of 1897 . | 673 |
| 1892 | 1 | The Bengal Village-chaukidari (Amendment) Act, 1892. | Short title given, Act 1 of 1903 . S. 3 rep. in pt., Act 5 of 1897. Ss. 2(1), 6, 12 rep., Act 1 of 1903. | 674 |
| 1894 | 4 | The Bengal Municipal (Amendment) Act, 1894. | Short title given, Act 1 of 1903 . S. 37 rep. in pt., Ben. Act 6 of 1894. S. 7(1) rep. in pt., s. 31 rep., Ben. Act 2 of 1896, s. 19. S. 1 rep. in pt., ss. 5, 9, 46, 51, 77, 83, 89, rep., s. 34 am., Act 1 of 1903. | 678 |
| 1896 | 2 | The Bengal Municipal (Amendment) Act, 1896. | Short title given, Act 1 of 1903 . Ss. 1, 9(4), 19 rep., Act 1 of 1903 | 686 |
| 1899 | 2 | The Bengal Civil Court Amins Act, 1899. | Short title given, Act 1 of 1903 . | 688 |
| <i>(2) Eastern Bengal and Assam Acts.</i> | | | | |
| 1907 | 2 | The Eastern Bengal and Assam Disorderly Houses Act, 1907. | | 688 |
| „ | 3 | The Eastern Bengal and Assam Court of Wards (Amendment) Act, 1907. | | 690 |
| 1909 | 1 | The Eastern -Bengal and Assam General Clauses Act, 1909. | ... | 693 |

Chronological Table of Enactments printed in this Volume—concl'd.

| 1 | 2 | 3 | 4 | 5 |
|-------|-----|---|---|------|
| Year. | No. | Short title. | How repealed or otherwise affected in Assam by legislation. | Page |
| 1910 | 1 | The Eastern Bengal and Assam Excise Act, 1910. | | 706 |
| 1911 | 1 | The Eastern Bengal and Assam Court of Wards (Amendment) Act, 1911 | . . . | 733 |
| 1912 | 2 | The Jalpaiguri Labour Act, 1912 | . . . | 734 |
| " | 3 | The Eastern Bengal and Assam Military Police Act, 1912. | . . . | 735 |

THE ASSAM CODE, 1915.

VOLUME II.

BENGAL ACT 4 OF 1865.

(THE BENGAL PREVENTION OF INOCULATION ACT, 1865) ¹

[12th April, 1865]

An Act for the prohibition of the practice of inoculation in the town and suburbs of Calcutta and in towns to which Act 3 of 1864,² passed by the Lieutenant-Governor of Bengal in Council, has been or shall hereafter be extended

WHEREAS it is found that small pox is spread by inoculators who infect persons living in towns without adopting any precaution against contagion,

And whereas proper and sufficient arrangements have been made in the town of Calcutta and in its suburbs, and in certain other towns in the Province of Bengal,³ for the vaccination or inoculation with the cow-pox of the inhabitants thereof respectively, and it is desirable to prohibit by law the practice of inoculation with the small pox in such towns and places,

¹ SHORT TITLE.—This short title was given by the Repealing and Amending Act, 1903 (I of 1903) Sch. I—*see ante*

LEGISLATIVE PAPERS.—For Statement of Objects and Reasons, *see* Calcutta Gazette, 1865, p. 280

LOCAL EXTENT.—This Act (*see s. 3, post*) has been extended to the following places in Assam—
the municipal station of Silchar—*see* the Assam Local Statutory Rules and Orders, 1893, p. 277,
the municipal station of Sillong, including Naokbar and Laban—*see ibid.*, Suppl't., 1901, p. 139,
the towns of Gauhati, Haliganj, Hallakandi, Karimganj, Maulvi Bazar, Sunamganj and Sylhet—*see* the Assam Local Statutory Rules and Orders, 1893, p. 277, 278, and *ibid.*, Suppl't., 1901, p. 139, and
the whole of the plains districts—*see* Notn. No. 96-J, dated 20th October, 1905, in L. II and A. Gazette, 1905, Pt. II, p. 25

The application of the Act is barred in the Lushai Hills, by notification—*see* Vol. II, Appendix II, Table D

² Ben. Act III of 1864 was repealed by Ben. Act V of 1876 (the Bengal Municipal Act, 1876) which is in force in parts of Assam and is printed *post*. Ben. Act V of 1876 has been repealed and re-enacted by Ben. Act III of 1884 (the Bengal Municipal Act, 1884) which is in force in certain other parts of Assam and is printed, *post*. This reference to Ben. Act III of 1864 must now be taken to be made—

(a) where Ben. Act V of 1876 is in force, to that Act—*see s. 2 thereof* and

(b) where Ben. Act III of 1884 is in force, to that Act—*see s. 2 thereof*

³ This includes the Province of Assam

It is enacted as follows :—

Penalty for
inoculating or
otherwise
producing
small-pox.

1. Any person who shall hereafter produce, or attempt to produce, in any person by inoculation with variolous matter, or by wilful exposure to variolous matter, or to any matter, article or thing impregnated with variolous matter, or who shall wilfully, by any other means whatsoever, produce the disease of small-pox in any person shall be liable, on conviction before a Magistrate, to imprisonment of either description for a period not exceeding three months, or to a fine not exceeding two hundred rupees, or to both.

Penalty for
entering
place,
subject to
Act, without
certificate,
before forty
days from
date of
inoculation.

2. If any person, having been inoculated with the small-pox in a place to which the provisions of this Act shall not at the time be applicable shall afterwards enter the town of Calcutta, or any other town or place to which such provisions shall then be applicable, before the lapse of forty days from the date of such inoculation, or without a certificate from a qualified medical officer stating that such person is no longer likely to cause contagion, such person shall be liable, on conviction before a Magistrate, to imprisonment of either description for a period not exceeding three months, or to a fine not exceeding two hundred rupees, or to both.

Act where to
take effect.

3. This Act shall take effect in the town of Calcutta and in the station of Howrah and suburbs of Calcutta, as the same are defined in the Schedule appended to Act 21 of 1857 (to make better provision for the order and good government of the suburbs of Calcutta and of the station of Howrah), from the date of the passing of this Act :

and it shall be lawful for the Lieutenant-Governor of Bengal,¹ at any time after such date, by notification published in the Calcutta Gazette,² to extend this Act to any town or place to which Act 3 of 1864,³ passed by the Lieutenant-Governor of Bengal in Council (*the District Municipal Improvement Act*) shall then apply, or in which there shall then be any Military Cantonment, or in which it shall appear to the Lieutenant-Governor of Bengal¹ that at the time of such notification there exist proper and sufficient arrangements for the inoculation of the inhabitants thereof with the cow-pox.

de of

4. The provisions of the Code of Criminal Procedure⁴ relative to the ~~XXV~~ of 1861 meaning thereby assigned to the word "Magistrate," and to cases triable under

¹ Now the Chief Commissioner of Assam—see the Bengal Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III, *ante*.

² Now the Assam Gazette—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III *ante*.

³ Ben. Act III of 1864 was repealed by Ben. Act V of 1876 (the Bengal Municipal Act, 1876), which is in force in parts of Assam and is printed, *post*. Ben. Act V of 1876 has been repealed and re-enacted by Ben. Act III of 1884 (as Bengal Municipal Act, 1884), which is in force in certain other parts of Assam and is printed, *post*. This reference to Ben. Act III of 1864 must now be taken to be made—

(a) where Ben. Act V of 1876 is in force, to that Act—see s. 2 thereof, and

(b) where Ben. Act III of 1884 is in force, to that Act—see s. 2 thereof.

⁴ The Code of Criminal Procedure here referred to (Act XXV of 1861) was repealed and re-enacted by Act X of 1872. The latter Act was repealed and re-enacted by Act X of 1882, which again has been repealed and re-enacted by the Code of Criminal Procedure, 1898 (Act V of 1898), and the references in the text should now be read as referring to the latter Act—see s. 3 (1) thereof, in Genl. Acts, Vol. V.

Chapter XV of the said Code * * * ¹ shall apply to the case of any offence committed against this Act * * * ².

Whenever the convicting Magistrate shall sentence the offender to fine, it shall be lawful for such Magistrate to award any portion, not exceeding one-half, of such fine to the person on whose information such offender has been convicted

BENGAL ACT 8 OF 1865

[THE BENGAL RENT RECOVERY (UNDER TENURES) ACT, 1865] ³

[7th June, 1865.]

An Act to amend the law for the sale of such under-tenures as by the title-deeds or established usage of the country are transferable by sale or otherwise for the recovery of arrears of rent due in respect thereof.

WHEREAS doubts have arisen, in consequence of the repeal of section 16 of Preamble Regulation 7 of 1832,⁴ as to the authority by whom patni taluks and other saleable under-tenures of the nature defined in clause 1 of section 8 of Regulation 8 of 1819⁵ are to be sold for arrears of rent due to the proprietor on account thereof,

And whereas it is expedient to amend the law for the sale of under tenures in satisfaction of decrees for the recovery of such arrears,

It is enacted as follows —

1. The word "Collector," as used in this Act, includes all officers exercising ^{Collector defined.} the full powers of a Collector of a district

* * * * *

2. [Laws repealed] *Rep by the Repealing Act, 1873 (12 of 1873)*

¹ The words "and to the recovery of fines," which were repealed by the Repealing and Amending Act, 1903 (1 of 1903), are omitted

² The portion, applying Calcutta Police Acts, which was repealed by the same Act, is omitted

³ SHORT TITLE.—This short title was given by the Repealing and Amending Act, 1903 (1 of 1903) Sch. I—*see ante*

LEGISLATIVE PAPERS.—For Statement of Objects and Reasons, *see* Calcutta Gazette, 1865, p. 287r

LOCAL EXTENT.—The Act has been declared by notification under the Scheduled Districts Act, 1874 (XIV of 1874) s. 3, to be in force in the Scheduled District of Sylhet—*see* Vol. II, Appendix I Table B.

The application of the Act is barred in the Lushai Hills, by notification—*see* Appendix II, Table D.

⁴ Ben. Leg. VII of 1832 was finally repealed by the Bengal Civil Courts Act, 1871 (VI of 1871)

⁵ The Bengal Patni Taluka Regulation 1819. It is printed *ante*

⁶ The number clause, which was repealed by the Repealing and Amending Act, 1903 (1 of 1903) is omitted

Sale by
whom con-
ducted.

3. The sale for the recovery of arrears of rent of patni taluks and other saleable under-tenures of the nature defined in clause 1 of section 8 of Regulation 8 of 1819¹ shall be conducted by the Collector of land-revenue in whose jurisdiction, as defined by Act 6 of 1853.² the lands lie; and all acts preparatory to, or connected with, the sale of such under-tenures as aforesaid which, by Regulations 8 of 1819¹ and 1 of 1820³ the Judge is required to perform shall be performed by the said Collector.

[Sections 4 to 17 and the Schedule have been repealed in Assam by the Repealing and Amending Act, 1897 (5 of 1897). Section 18 was repealed by the Repealing Act, 1873 (12 of 1873.)]

BENGAL ACT 3 OF 1866.

[THE BENGAL LEGISLATIVE COUNCIL (WITNESSES) ACT, 1866.] ⁴

[28th March, 1866.]

An Act to provide for the attendance and examination of witnesses before the Council of the Lieutenant-Governor of Bengal⁵ for making Laws and Regulations.

Preamble.

WHEREAS it is expedient to make provision for the attendance of witnesses before the Council of the Lieutenant Governor of Bengal⁵ for making Laws and Regulations and for the examination of such witnesses; It is enacted as follows:—

Power to
summon
persons to
appear.

1. It shall be lawful for the Lieutenant-Governor of Bengal⁵ by a summons under the hand of the Secretary or Assistant Secretary to the Government of Bengal⁶ in the Legislative Department for the time being,

to require the attendance before the Council of the Lieutenant-Governor of Bengal⁵ for making Laws and Regulations at a time and place to be mentioned in such summons, of any person, residing within any of the provinces or places subject to the Government of the Lieutenant-Governor of Bengal⁵ whose evidence shall, in the judgment of such Council, be material with reference to any project of Law, Bill or Act then under consideration by such Council,

and by such summons to require the person so summoned to produce before such Council all such books, deeds and writings as to the said Council shall

¹ The Bengal Patni Taluks Regulation, 1819, printed *ante*.

² The Rent Recovery Act, 1853, printed *ante*.

³ The Bengal Patni Taluks Regulation, 1820, printed *ante*.

⁴ SHORT TITLE.—This short title was given by the Repealing and Amending Act, 1903, (I of 1903), Sch. I—see Vol. I, p. 203.

LEGISLATIVE PAPERS.—For Statement of Objects and Reasons, see Calcutta Gazette, 1866, p. 252.

LOCAL EXTENT.—This Act was passed for the former province of Bengal (see s. 1), and therefore extends to Assam which at the time was subject to the Government of Bengal and was not formed into a Chief Commissionership till 1874.

⁵ Now the Chief Commissioner of Assam—see Act VII of 1912, s. 3 and Sch. D, Pt. III *ante*.

⁶ Now the Government of Assam.

appear necessary for obtaining information as to the matter so under consideration,

and every person so summoned shall according to the exigency of the summons, attend before the said Council, and produce such books, deeds and writings as shall be in his power, custody or control

2. It shall be lawful for the said Secretary or Assistant Secretary to the Government of Bengal¹ in the Legislative Department for the time being or any other officer appointed in that behalf by the Lieutenant Governor¹ to administer an oath or affirmation, in such form as to the said Council shall seem fit, to any person appearing in obedience to such summons as aforesaid

Administra-
tion of an
oath or
affirmation

But nothing herein contained shall prevent such person from giving evidence without oath or affirmation, if the said Council shall think it expedient that the evidence should be so given

3. If any person, upon whom any such summons shall be served by the delivery thereof to him, or leaving thereof at his usual or last known place of abode,

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shall without reasonable cause (to be allowed by the said Lieutenant Governor of Bengal)¹ fail to appear before the said Council at the time and place mentioned in the summons or

shall refuse to make oath or affirmation as required, or

shall not make answer to such questions as shall be put to him touching the matter under consideration as aforesaid, or

shall refuse or fail without reasonable cause (to be allowed by the said Lieutenant Governor of Bengal)¹ to produce to the said Council any book, deed or writing in his possession, power or control as by the said Council he shall be required to produce (whether mentioned in the summons or not),

the Lieutenant Governor of Bengal¹ shall on the report of the said Council that such failure or refusal has taken place, have the power, by warrant under his hand, to direct that such person be apprehended and committed to close custody in a place and for a time specified in the warrant, unless he shall in the meantime comply, to the satisfaction of the said Council, with such requisitions as have been made on him touching his examination

The warrant may be directed to any officer appointed in that behalf by the Lieutenant Governor¹

4. Whenever a summons is issued for the attendance of a witness under this Act the Lieutenant Governor of Bengal¹ may, if he thinks fit, order such witness to receive from the Collector or Commissioner of the district or division in which the witness resides such expenses as he would have been entitled to receive if summoned as a witness before the principal Court of original jurisdiction within the limits of which he shall be residing.

Expenses
to be paid

¹ Now the Chief Commissioner of Assam—see Act VII of 1912 s. 3 and S. D. P. III and

Provisions of sections 21 and 32 of Act 2 of 1855 extended. Interpretation.

“Council.”

5. The provisions of sections 21 and 32 of Act 2 of 1855 ^[1] (*for the further improvement of the Law of Evidence*) shall extend to witnesses examined before the said Council of the Lieutenant-Governor of Bengal.²

6. Throughout this Act, unless the contrary appears from the context,—

* * * * *

the word “Council” shall include any committee of the whole Council and any Select Committee of the Council of the Lieutenant Governor of Bengal² for making Laws and Regulations.

BENGAL ACT 1 OF 1869.

(THE BENGAL CRUELTY TO ANIMALS ACT, 1869).⁴

[10th March, 1869.]

An Act for the Prevention of Cruelty to Animals.

WHEREAS it is expedient to make provision for the prevention of cruelty to animals ; It is enacted as follows :—

[¹] These sections are as follows :—

“21. A witness, whether a party or not, shall not be bound to produce any document relating to affairs of State, the production of which would be contrary to good policy, nor any document held by him for any other person who would not be bound to produce it if in his own possession.

“32. A witness shall not be excused from answering any question relevant to the matter in issue in any suit or in any civil or criminal proceeding upon the ground that the answer to such question will criminate, or may tend, directly or indirectly, to criminate, such witness or that it will expose, or tend, directly or indirectly, to expose such witness to a penalty or forfeiture of any kind :

Provided that no such answer, which a witness shall be compelled to give, shall except for the purpose of punishing such person for wilfully giving false evidence upon such examination, subject him to any arrest or prosecution or be used as evidence against such witness in any criminal proceeding.”

Act II of 1855 has been repealed by the Indian Evidence Act, 1872 (I of 1872,—printed in General Acts, Vol. II).

[²] Now the Chief Commissioner of Assam—see Act VII of 1912, s. 3 and Sch. D, Pt. III *ante*.

[³] Words as to number and gender, which were repealed by the Repealing and Amending Act, 1903 (I of 1903), are omitted.

⁴ SHORT TITLE.—This short title was given by the Repealing and Amending Act, 1903 (I of 1903), Sch. I—see *ante*.

LEGISLATIVE PAPERS.—For Statement of Objects and Reasons, see Calcutta Gazette, 1868, p. 887 ; and for Proceedings in Council, see *ibid*, 1868, Suppl., pp. 278 and 877 ; *ibid*, 1869, Suppl., pp. 15 and 29.

LOCAL EXTENT.—This Act was passed for the whole of the former Province of Bengal, and has been declared, by notification under the Scheduled Districts Act, 1874 (XIV of 1874), s. 3, to be in force in Assam (see Vol. II, Appendix I, Table B.)

The Act has been extended under s. 10, to the following places in Assam :—

the districts of Cachar, Darrang, Goalpara, Kamrup, Lakhimpur, Nowgong, Sibsagar (including the tract transferred from the Naga Hills district in 1901) and Sylhet—see the Assam Local Statutory Rules and Orders, 1893, p. 278, and Correction Slip, No. 258, and

the Shillong station and the cart-road between Gauhati and Shillong in the districts of Kamrup and the Khasi Hills—see the Assam Local Statutory Rules and Orders, 1893, p. 279.

The application of the Act is barred in the Lushai Hills, by notification—see Vol. II, Appendix II, Table D.

1. The word "animal" shall be taken to mean any "domestic or tamed quadruped, or any domestic or tamed bird" Interpretation of "animal"
2. Every person who shall cruelly and wantonly beat, ill treat, abuse, torture, overdrive or overload, or cause to be beaten, ill treated, abused, tortured, overdriven or overladen any animal, shall be liable to a fine which may extend to one hundred rupees Penalty on cruelty to animals
3. Every person who shall incite any quadrupeds or birds, whether domestic or wild, to fight or shall bait any animal, or shall aid or shall abet any one in so doing, shall be liable to a fine which may extend to fifty rupees Penalty on baiting animals, or inciting them to fight
4. Every person who shall wilfully and knowingly permit any animal, of which he may be owner, to go at large in any public street, road or thoroughfare, while such animal is affected with contagious or infectious disease, or shall wilfully permit any diseased or disabled animal of which he may be owner, to die in any public street, road or thoroughfare, shall be liable to a fine which may extend to one hundred rupees Penalty on permitting diseased animals to go at large or die in public places.
5. Every person who shall employ or cause to be employed in any work or labour any animal which in consequence of any disease infirmity, wounds or sores is unfit to be so employed, shall be liable to a fine which may extend to fifty rupees Penalty on employing animal unfit for labour
6. [Trial of offences in Calcutta] *Omitted as being inapplicable to Assam*
7. Every charge of an offence against the provisions of this Act alleged to have been committed out of Calcutta, may be heard and determined by any officer authorised to exercise any of the powers of a Magistrate in the place in which such offence may be alleged to have been committed and the provisions of the Code of Criminal Procedure¹ shall apply to the trial of every such charge Trial of offences out of Calcutta.
8. [Repeal of enactments] *Rep. by the Repealing Act, 1873 (12 of 1873)*
9. [Application of Act to town and suburbs of Calcutta] *Omitted as being inapplicable to Assam*
10. It shall be lawful for the Lieutenant Governor of Bengal² by an order published in the Calcutta Gazette³ to extend this Act to any city, town, station, bazar, cantonment, village, district or portion of a district to be mentioned and defined in such order, and from time to time, by any order published as aforesaid to revoke, vary, amend or alter any such order Power to extend Act

¹ This reference to Act XXV of 1861 must now be taken to be made to the Code of Criminal Procedure, 1898 (Act V of 1898)—see s. 3 (f) of the latter Act in Genl. Acts Vol. V

² Now the Chief Commissioner of Assam—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912) s. 3 and Sch. D Pt. III and c.

³ Now the Assam Gazette—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912) s. 3 and Sch. D Pt. III and c.

BENGAL ACT 3 OF 1869.

[THE BENGAL CRUELTY TO ANIMALS (ARREST) ACT, 1869.¹]

[25th August, 1869.]

An Act to enable Police-officers to arrest without warrant persons guilty of cruelty to Animals.

WHEREAS it is expedient to enable Police-officers in certain places to arrest without warrant any person committing, within their view, any offence against Act 1 of 1869² passed by the Lieutenant-Governor of Bengal³ in Council, entitled an Act for the Prevention of Cruelty to Animals; It is enacted as follows :—

1. Every Police-officer may arrest without a warrant any person committing, in his view, any offence against the said Act 1 of 1869.²

2. [*Application of Act to Calcutta.*] *Omitted as being inapplicable to Assam.*

3. It shall be lawful for the Lieutenant-Governor of Bengal,³ by a notification to be published in the Calcutta Gazette,⁴ to extend this Act to any town, suburb, district or tract of country, to be mentioned and defined in such notification; and from and after the publication of such notification this Act shall extend and apply to the town, suburb, district or tract of country therein mentioned and defined.

¹ SHORT TITLE.—This short title was given by the Repealing and Amending Act, 1903 (I of 1903), Sch. I—see *ante*.

LEGISLATIVE PAPERS.—For Proceedings in Council, see Calcutta Gazette, 1869, Suppl., pp. 504, 525 and 542.

LOCAL EXTENT.—This Act has been declared, by notification under the Scheduled Districts Act, 1874 (XIV of 1874), s. 3, to be in force in Assam (see Vol. II.)

The Act has been extended, under s. 3, to the following places in Assam :—

the Municipalities of Dhubri, Dibrugarh, Gauhati, Goalpara, Nowgong, Silchar, Sylhet, and Tezpur—see the Assam Local Statutory Rules and Orders, 1893, pp. 279 to 281, and Correction Slip No. 337; and *ibid*, Suppl., 1901, pp. 139, 140; and the stations of Barpeta, Golaghat, Hailakandi, Jorhat, Mangaldai, North Lakhimpur and Shillong, and the station of Sibsagar and its suburbs—see the Assam Local Statutory Rules and Orders, 1893, pp. 279 to 281; and *ibid*, Suppl., 1901, p. 140.

The application of the Act is barred in the Lushai Hills, by notification—see Vol. II, Appendix II, Table D.

² The Bengal Cruelty to Animals Act, 1869, printed *ante*.

³ Now the Chief Commissioner of Assam, see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III, *ante*.

⁴ Now, the Assam Gazette—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III.

Arrest of
person guilty
of cruelty.

Power to
extend Act.

Power to employ police out of district.

5. It shall be lawful for the Lieutenant-Governor ¹ to employ members of the police-force who have been enrolled in, or appointed to, any one general police-district, in any other general police-district within the provinces subject to his control; and the powers conferred on police-officers by the Code of Criminal Procedure ² may be by them exercised in any portion of the said ^{XXV} provinces without reference to the local limits of the general police-district to which they may respectively belong.

Construction.

6. This Act shall be read and taken, in the provinces under the control of the Lieutenant-Governor of Bengal ¹ as part of the said Act 5 of 1861.³

BENGAL ACT 8 OF 1869.

(THE LANDLORD AND TENANT PROCEDURE ACT, 1869).

CONTENTS.

PREAMBLE.

SECTION.

1. "Collector" defined.
2. Raiyats entitled to patta.
3. Raiyats holding land at fixed rates to receive pattas.
4. Presumption if rent be not changed for 20 years.
5. Raiyats having right of occupancy, but not holding at fixed rates to receive pattas.
6. Right of occupancy of raiyat cultivating or holding land for 12 years.
7. Saving of terms of written contracts.
8. Pattas to which raiyats not having rights of occupancy are entitled.
9. Court when to fix time for which patta is granted.
Proviso.
10. Person granting patta entitled to counterpart engagement.
11. Damages for exactions in excess of rent or for receipt withheld.
Form of receipt.

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III, *ante*.

² Act XXV of 1861 was repealed and re-enacted by Act X of 1872, which again was repealed and re-enacted by Act X of 1882. The Act of 1882 has been repealed and re-enacted by the Code of Criminal Procedure, 1898 (Act V of 1898). This reference should now be taken to be made to the Act of 1898—see s. 3 (1) of that Act in Genl. Acts, Vol. V.

³ The Police Act, 1861, Genl. Acts, Vol. I.

SECTIONS

- 12 Withdrawal of power to compel attendance of tenant
Payment of rent how enforced
- 13 Damages for extorting payment by duress
- 14 Enhancement of rent of raiyat holding without, or after expiry,
etc., of written engagement
- 15 Mode of contesting enhancement of rent
- 16 Dependent talukdar, etc., holding at fixed rent without change since
Permanent Settlement, not liable to enhanced rent
- 17 Evidence of occupancy since Permanent Settlement at current rent.
- 18 Rent of raiyat not enhanceable unless—
rate paid being below that prevailing
value of land having increased,
quantity of land held being greater than he has paid for
- 19 When raiyat may claim abatement
- 20 Relinquishment by raiyat after notice
- 21 What to be deemed arrear of rent under Act
- 22 Liability of raiyat to be ejected
Proviso
- 23 Liability of farmer to have lease cancelled
Proviso
- 24 Suits by or against sarbarahkars or tahsildars of estates held khas.
- 25 Proprietor's right to survey and measure estate
- 26 Registry of transfers of talukdars, etc
- 27 *Limitation of certain suits*
- 28 Limitation of suits for grant of pattas, etc
- 29 Limitation of suits for arrears of rent
- 30 Limitation of suits against agents for money, papers or accounts
- 31 Suit for further balance to be instituted within six months of service
of notice of deposit
- 32 Naibs or gumasthas when deemed recognised agent under Code of
Civil Procedure
- 33 Cognizance of suits under Act
- 34 Proceedings to be regulated under Code of Civil Procedure
- 35 Jurisdiction in certain suits
- 36 Provision when cause of action arises in different jurisdictions.
37. Proceedings in case of opposition made to measurement.

Power to employ police out of district.

5. It shall be lawful for the Lieutenant-Governor¹ to employ members of the police-force who have been enrolled in, or appointed to, any one general police-district, in any other general police-district within the provinces subject to his control; and the powers conferred on police-officers by the Code of Criminal Procedure² may be by them exercised in any portion of the said provinces without reference to the local limits of the general police-district to which they may respectively belong.

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6. This Act shall be read and taken, in the provinces under the control of the Lieutenant-Governor of Bengal¹ as part of the said Act 5 of 1861.³

BENGAL ACT 8 OF 1869.

(THE LANDLORD AND TENANT PROCEDURE ACT, 1869).

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of notice of deposit
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Civil Procedure
- 33 Cognizance of suits under Act
- 34 Proceedings to be regulated under Code of Civil Procedure
- 35 Jurisdiction in certain suits
- 36 Provision when cause of action arises in different jurisdictions.
37. Proceedings in case of opposition made to measurement

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38. Measurement when it cannot be ascertained who are liable to pay rent.
39. Proceedings on completion of measurement.
40. Collector's powers.
41. Measurement to be made by the pargana pole.
42. Register of suits.
43. Form of plaint in suits for arrears.
44. When Court may award to plaintiff additional damages not exceeding 25 *per centum*.
45. Award of compensation to defendant improperly sued.
46. Under-tenant or raiyat may after tender, etc., pay into Court, without action brought, what he admits to be due.
Payment into Court to have effect of payment to zamindar or other person entitled.
47. Proceedings on payment into Court and drawing out money.
48. After action brought, defendant may pay into Court, without costs, money tendered before.
Costs if plaintiff goes on and recovers no more.
49. If no previous tender made, defendant may pay into Court what he admits to be due, with costs on that sum.
Costs if plaintiff goes on with suit.
50. No warrant of arrest before judgment.
51. Mesne profits may be claimed in suits for recovery of land.
52. Suits for ejectment or cancelment of lease.
53. When Court to issue immediate execution.
54. In such cases, execution not stayed pending appeal.
55. If person required by decree refuse to grant patta, Court may do so.
56. Refusal to execute kabuliyat as required by decree.
57. Process not to issue simultaneously against both person and property.
58. No execution after three years from date of judgment.
59. Procedure on sale of under-tenure.
60. Contents of notice of sale of under-tenure.
61. Under-tenures not to be sold while other execution in force.
62. How sale may be stayed by person interested in under-tenure.
63. If third party claim to be lawful possessor of under-tenure, Court to stay sale and to adjudicate upon claim, upon decree being paid or secured.
Unregistered transfers not recognised.

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64. Execution of decrees in favour of sharers in undivided estates or tenures.
65. When judgment-creditor may apply for execution against immoveable property.
66. Purchaser to acquire under-tenure, with certain exceptions free of incumbrances.
67. Zamindar how to proceed if purchaser do not register.
68. Produce of land held hypothecated for rent.
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Cultivators who have given security exempt from distraint.
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69. No distraint in certain cases.
70. Power of distraint exercised by managers under Court of Wards, etc.
Proviso.
71. Standing crops and crops gathered, but not stored, liable to distraint.
72. Defaulter to be served with written demand, etc., before or at time of distraint.
73. Distress proportionate to arrear if not paid or tendered.
74. Standing crops, etc., when attached, to be reaped and stored by cultivator, or, if he neglect to do so, by distrainer.
75. Distrainer may apply for aid to Court upon resistance made or apprehended.
76. Authority to be given to servant employed to distraint.
77. Distress to be withdrawn on tender of arrear and expenses prior to day of sale.
78. Application for sale.
79. Form of application.
Cost of notice upon defaulter to be deposited by distrainer.
80. Procedure by Civil Court on receipt of application.
81. Sale to be suspended when suit instituted.
82. Suit to contest distrainer's demand before issue of notice of sale.
83. Distress to be withdrawn on receipt of certificate that owner has executed bond to pay decree with interest and costs.
84. Value of claim in suits disputing distress.
85. On expiration of period fixed in proclamation of sale, if institution of suit to contest distrainer's demand not certified, sale may proceed.
86. Place and manner of sale of distrained property.
87. If fair price be not offered, sale may be postponed, and shall be then completed at whatever price offered.
88. Payment of purchase-money.
89. Proceeds of sale.
90. Officers holding sales prohibited from purchasing.
91. Irregularities to be reported to Court.

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92. Recovery of expenses if officer proceed to place of sale and no sale takes place.
93. Proceedings of officers, etc., subject to revision and orders of Court.
94. Second proclamation of sale.
95. Procedure after institution of suit to contest distrainer's demand.
96. Owner of property distrained for arrears of rent alleged to be due from another, may institute suit against distrainer.
97. Persons prevented from suing in time to save property from sale, may sue for damages ;
98. also persons aggrieved by illegal act of distrainer.
99. Unlawful distraint.
100. Time for commencing suits for damages.
101. Procedure on resistance to distraint, etc.
102. No appeal from decree of District Judge for money below one hundred rupees unless it involves right to enhance or a title to land.
103. Review of judgment.
104. Small Cause Court not to have jurisdiction.
105. Power to issue process free of charge.
106. Application of Act.
107. Enactments to cease to have operation in places in which Act takes effect.
108. Pending suits to be carried on under former practice.
109. [Omitted].
110. Bengal Act 7 of 1868 saved.
111. Short title.

SCHEDULE A.

SCHEDULE B.

SCHEDULE C.

SCHEDULE D.

BENGAL ACT 8 OF 1869.

(THE LANDLORD AND TENANT PROCEDURE ACT, 1869).¹

[27th October, 1869.]

An Act to amend the procedure in suits between Landlords and Tenants.

WHEREAS it is expedient to amend the procedure in suits between land-

¹ LEGISLATIVE PAPERS.—For Statement of Objects and Reasons, see Calcutta Gazette, 1868, p. 1209 ; and for Proceedings in Council, see *ibid*, Suppl., pp. 414, 415, 506, and *ibid*, 1869, Suppl., pp. 265, 291, 321, 342, 354, 375, 422, 499, 525, 542, 601, and 633.

lords and tenants in the Provinces subject to the Lieutenant-Governor of Bengal¹, It is enacted as follows —

1. In the construction of this Act the word "Collector"² shall include a 'Collector' defined Deputy Collector in charge of a sub division, or other officer exercising the powers of a Collector of a district or of a Deputy Collector in charge of a sub division, by whatever designation such officer may be called

2. Every raiyat is entitled to receive, from the person to whom the rent of the land held or cultivated by him is payable, a patta containing the following particulars —

the quantity and boundaries of the land, and, where fields have been numbered in a Government-survey, the number of each field
the amount of annual rent
the instalments in which the same is to be paid and
any special conditions of the lease

If the rent is payable in kind, the proportion of produce to be delivered, and the time and manner of delivery

3. Raiyats who, in any Province¹ to which this Act may apply, hold lands at fixed rates of rent, which shall not have been changed from the time of the Permanent Settlement of such Province¹, are entitled to receive pattas at those rates

4. Whenever, in any suit under this Act, it shall be proved that the rent at which land is held by a raiyat in any such Province has not been changed for a period of twenty years before the commencement of the suit, it shall be presumed that the land has been held at that rent from the time of the Permanent Settlement, unless the contrary be shown, or unless it be proved that such rent was fixed at some later period

5. Raiyats having rights of occupancy, but not holding at fixed rates as described in the two preceding sections, are entitled to receive pattas at fair and equitable rates

In case of dispute, the rate previously paid by the raiyat shall be deemed to be fair and equitable, unless the contrary be shown in a suit by either party under the provisions of this Act

6. Every raiyat who shall have cultivated or held land for a period of twelve years shall have a right of occupancy in the land so cultivated or held by him, whether it be held under patta or not, so long as he pays the rent payable on account of the same, but this rule does not apply to khamar, nijot or sir-land belonging to the proprietor of the estate or tenure and let by him on lease for a term, or year by year, nor (as respects the actual culti-

¹ LOCAL EXTENT — This Act has been extended by notification to the district of Sylhet —
Local Statutory Rules and Orders, under the Scheduled Districts Act, II Appendix I Table B
Hills, by notification—see Vol II,

Appendix II Table D

² Now Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p 12

vator) to lands sub-let for a term, or year by year, by a raiyat having a right of occupancy.

The holding of the father or other person from whom a raiyat inherits shall be deemed to be the holding of the raiyat within the meaning of this section.

Saving of
terms of
written
contracts.

7. Nothing in the last preceding section shall be held to affect the terms of any written contract for the cultivation of land entered into between a landholder and a raiyat, when it contains any express stipulation contrary thereto.

Pattas to
which
raiats not
having
rights of
occupancy
are entitled.

8. Raiyats not having rights of occupancy are entitled to pattas only at such rates as may be agreed on between them and the persons to whom the rent is payable.

Court when
to fix time
for which
patta
granted.

9. If, on the trial of a suit for the delivery of a patta instituted by a raiyat having a right of occupancy, the parties do not agree as to the term for which the patta is to be granted, the Court shall fix such term as under the circumstances of the case may seem just and proper :

Proviso.

Provided that the term shall not in any case be longer than ten years, and, in estates not permanently settled, shall not extend beyond the period for which the proprietor of the estate has engaged with Government :

Provided also that, if the defendant be a farmer or other person having only a temporary interest in the land, the term of the patta shall not extend beyond the period of the continuance of such interest.

For cultivators not having a right of occupancy the term of patta shall be exclusively in the discretion of the person entitled to the rent of the land.

Person
granting
patta
entitled to
counterpart
engagement.

10. Every person who grants a patta is entitled to receive from the person to whom the patta is granted a kabuliyat or counterpart engagement in conformity with the terms of the patta.

The tender to any raiyat of a patta such as the raiyat is entitled to receive shall be held to entitle the person to whom the rent is payable to receive a kabuliat from such raiyat.

Damages for
exactions in
excess of rent
or for receipt
withheld.

11. Every under-tenant or raiyat, from whom any sum is exacted in excess of the rent specified in his patta or payable under the provisions of this Act, whether as abwáb or under any other pretext, and every under-tenant, raiyat or cultivator from whom a receipt is withheld for any sum of money paid by him as rent, shall be entitled to recover from the person receiving such rent damages not exceeding double the amount so exacted or paid.

Form of
receipt.

Receipts for rent shall specify the year or years on account of which the rent is acknowledged to have been paid ; and any refusal to make such specification shall be held to be a withholding of a receipt.

Withdrawal
of power to
compel
attendance of
tenant.

12. All power at any time heretofore vested in zamindars and other landholders of compelling the attendance of their tenants for the adjustment of their rents or for any other purpose is withdrawn, and all such persons are prohibited from adopting any means of compulsion for enforcing payment of

the rents due to them other than by suit or distress, or otherwise under the provisions of this Act

Payment of rent how enforced
Damages for extorting payment by duress.

13. If payment of rent, whether the same be legally due or not, is extorted from any under-tenant or raiyat by illegal confinement or other duress, such under-tenant or raiyat shall be entitled to recover such damages, not exceeding in any case the sum of two hundred rupees, as may be deemed a reasonable compensation for the injury done him by such extortion

An award of compensation under this section shall not bar or affect any penalty or punishment to which the person practising such extortion may be subject by law

14. No under-tenant or raiyat, who holds or cultivates land without a written engagement, or under a written engagement not specifying the period of such engagement, or whose engagement has expired or has become cancelled in consequence of the sale for arrears of rent or revenue of the tenure or estate in which the land held or cultivated by him is situate, and has not been renewed, shall be liable to pay any higher rent for such land than the rent payable for the previous year, unless a written notice shall have been served on such under-tenant or raiyat, in districts or parts of districts where the Fash year prevails, in or before the month of Jeth, and in districts or parts of districts where the Bengal year prevails, in or before the month of Pûs, specifying the rent to which he will be subject for the ensuing year, and the ground on which an enhancement of rent is claimed

Enhancement of rent of raiyat hold- ing without, or after expiry, etc., of, written engagement

Such notice shall be served by order of the Collector¹ in whose jurisdiction the lands are situate, on the application * * * *² of the person to whom the rent is payable, and shall, if practicable, be served personally upon the under-tenant or raiyat

If for any reason the notice cannot be served personally upon the under-tenant or raiyat, it shall be affixed at his usual place of residence, or, if he have no such place of residence in the district in which the land is situate, the mode of service of such notice shall be by affixing it at the mál-cutcherri of such land or other conspicuous place thereon, or at the village chauri or chaupál, or at some other conspicuous place in the village in which the land is situate

15. Any under-tenant or raiyat, on whom such notice as aforesaid has been served, may contest his liability to pay the enhanced rent demanded of him, either by complaint of excessive demand of rent as hereinafter provided, or in answer to any suit preferred against him for recovery of arrears of the enhanced rent

Mode of contesting enhancement of rent

16. No dependent talukdar or other person possessing a permanent transferable interest in land intermediate between the proprietor of an estate and

Dependent talukdar, etc., holding

¹ Now the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12

² The words " (which may be on plain paper), " which were repealed by the Court fees Act, 1870 (VII of 1870), are omitted

at fixed rent without any exchange since Permanent Settlement not liable to enhanced rent.

the raiyat, who, in any Province ¹ to which the provisions of this Act may apply, holds his taluk or tenure (otherwise than under a terminable lease) at a fixed rent which has not been changed from the time of the Permanent Settlement, shall be liable to any enhancement of such rent, anything in section 51, Regulation 8 of 1793, ² or in any other law to the contrary notwithstanding.

Evidence of occupancy since Permanent Settlement at current rent.

17. Whenever, in any suit under this Act, it shall be proved that the rent at which a taluk or other tenure is held in the said Provinces ¹ has not been changed for a period of twenty years before the commencement of the suit, it shall be presumed that such taluk or tenure has been held at that rent from the time of the Permanent Settlement, unless the contrary be shown, or to be proved that such rent was fixed at some later period.

Rent of raiyat not enhanceable unless—

18. No raiyat having a right of occupancy shall be liable to an enhancement of the rent previously paid by him, except on some one of the following grounds, namely:—

rate paid being below that prevailing:

that the rate of rent paid by such raiyat is below the prevailing rate payable by the same class of raiyats for land of a similar description and with similar advantages in the places adjacent:

value of land having increased:

that the value of the produce or the productive powers of the land have been increased otherwise than by the agency or at the expense of the raiyat:

quantity of land held being greater than he has paid for.

that the quantity of land held by the raiyat has been proved by measurement to be greater than the quantity for which rent has been previously paid by him.

When raiyat may claim abatement.

19. Every raiyat having a right of occupancy shall be entitled to claim an abatement of the rent previously paid by him, if the area of the land has been diminished by diluvion or otherwise, or if the value of the produce or the productive powers of the land have been decreased by any cause beyond the power of the raiyat, or if the quantity of land held by the raiyat has been proved by measurement to be less than the quantity for which rent has been previously paid by him.

Relinquishment by raiyat after notice.

20. Any raiyat, who desires to relinquish the land held or cultivated by him, shall be at liberty to do so provided he gives notice of his intention, in writing to the person entitled to the rent of the land or his authorized agent, in districts or parts of districts where the Fasli year prevails, in or before the month of Jeth, and in districts or parts of districts where the Bengal year prevails, in or before the month of Pús, of the year preceding that in which the relinquishment is to have effect.

If he fail to give such notice, and the land is not let to any other person, he shall continue liable for the rent of the land.

If the person entitled to the rent of the land, or his agent, refuse to receive any such notice, and to sign a receipt for the same, the raiyat may make an

¹ As to the present local extent of this Act, see the local extent footnote *ante*.

² The Bengal Decennial Settlement Regulation, 1793. It is printed *ante*.

application * * * *¹ to the Collector² in whose jurisdiction the lands are situate, who shall thereupon cause the notice to be served on such person or his agent in the manner provided in section 14

21. Any instalment of rent which is not paid on or before the day when the same is payable according to the patta or engagement, or, if there be no written specification of the time of payment, at or before the time when such instalment is payable according to established usage shall be held to be an arrear of rent under this Act and unless otherwise provided by written agreement, shall be liable to interest at twelve per centum per annum

22. When an arrear of rent remains due from any raiyat at the end of the Bengal year, or at the end of the month of Jeth of the Fash or Wilayat year, as the case may be, such raiyat shall be liable to be ejected from the land in respect of which the arrear is due

Provided that no raiyat having a right of occupancy, or holding under a patta, the term of which has not expired, shall be ejected otherwise than in execution of a decree or order under the provisions of this Act

23. When an arrear of rent shall be adjudged to be due from any farmer or other leaseholder not having a permanent or transferable interest in the land, the lease to such leaseholder shall be liable to be cancelled and the leaseholder to be ejected

Provided that no such lease shall be cancelled nor the leaseholder ejected otherwise than in execution of a decree or order under the provisions of this Act

24. All suits which under the provisions of this Act may be brought by or against zamindars or other persons in the receipt of the rent of land, may be brought by or against sarbarahkars or tahsildars of estates held under management, whether such estates are the property of Government or individuals

25. Every proprietor of an estate or tenure or other person in receipt of the rents of an estate or tenure has the right of making a general survey and measurement of the lands comprised in such estate or tenure, or any part thereof, unless restrained from doing so by express engagement with the occupants of the lands

26. All dependent talukdars and other persons possessing a permanent transferable interest in land intermediate between the zamindar and the cultivator, are required to register in the sarishta of the zamindar or superior tenant to whom the rents of their taluks or tenures are payable, all transfers of such taluks or tenures, or portions of them, by sale, gift or otherwise, as well as all successions thereto and divisions among heirs in cases of inheritance

¹ The words on plain paper which were repealed by Act of 1870

And every zamindar or superior tenant is required to admit to registry and otherwise give effect to all such transfers, when made in good faith, and all such successions and divisions :

Provided that no zamindar or superior tenant shall be required to admit to registry or give effect to any division or distribution of the rent payable on account of any such tenure, nor shall any such division or distribution of rent be valid and binding without the consent in writing of the zamindar or superior tenant.

Limitation of
certain suits.

27. All suits instituted for the recovery of damages on account of the illegal exaction of rent, or of any unauthorised cess or impost, or on account of the refusal of receipts for rent paid, or on account of the extortion of rent by confinement or other duress, or on account of the excessive demand of rent, and all suits for abatement of rent, and all suits to eject any raiyat or to cancel any lease on account of the non-payment of arrears of rent or of the breach of the conditions of any contract by which a raiyat may be liable to be ejected, or a lease may be liable to be cancelled, and all suits to recover the occupancy of any land, farm or tenure from which a raiyat, farmer or tenant has been illegally ejected by the person entitled to receive rent for the same and all suits arising out of the exercise of the power of distraint for arrears of rent conferred on zamindars and others by this or any other Act or out of any acts done under colour of the exercise of the said power, shall be commenced within the period of one year from the date of the accruing of the cause of action, and not afterwards.

Limitation of
suits for
grants of
pattas, etc.

28. Suits for the delivery of pattas or kabuliats and for the determination of the rates of rent at which such pattas or kabuliats are to be delivered may be instituted at any time during the tenancy.

Limitation of
suits for
arrears of
rent.

29. Suits for the recovery of arrears of rent shall be instituted within three years from the last day of the Bengal year, or from the last day of the month of Jeth of the Fasli or Wilayati year, in which the arrear claimed shall have become due :

Provided that, if the suit be for the recovery of rent at a higher rate than was payable in the previous year, such rent having been enhanced after issue of notice under section 13 of Act 10 of 1859 ¹ or under section 14 of this Act and the enhancement not having been confirmed by any competent Court, the suit shall be instituted within three months from the end of the Bengal year, or of the month of the Jeth of the Fasli or Wilayati year, on account of which such enhanced rent is claimed.

Limitation of
suits against
agents for
money,
papers or
accounts.

30. Suits for the recovery of money in the hands of an agent or for the delivery of accounts or papers by an agent, may be brought at any time during the agency or within one year after the determination of the agency of such agent :

¹ The Bengal Rent Act, 1859. It has been declared, by notification under the Scheduled Districts Act, 1874 (XIV of 1874), to be not in force in any part of Assam—see Vol. II, Appendix I, Table C.

Provided that, if the person having the right to sue shall by means of fraud have been kept from the knowledge of the receipt of any such money by the agent, or if any fraudulent account shall have been rendered by the agent, the suit may be brought within one year from the time when the fraud shall have been first known to such person, but no such suit shall in any case be brought at any time exceeding three years from the termination of the agency

31. Whenever a deposit on account of rent shall have been made under the provisions of this Act, or of Act 6 of 1862¹ passed by the Lieutenant-Governor of Bengal in Council, no suit shall be brought against the person making the deposit or his representatives, on account of any rent which accrued due prior to the date of the deposit, unless such suit be instituted within six months from the date of the service of the notice in section 5 of the said Act 6 of 1862¹ or in section 47 of this Act mentioned

Suit for further balance to be instituted within six months of service of notice of deposit

32. Every naib or gumashta thereto specially authorised by any writing under the hand of his employer shall, for the purposes of all suits for any of the causes of action mentioned in sections 27, 28, 29, or 30 of this Act, be deemed to be the recognized agent of such employer within the meaning of section 17 of the said Act 8 of 1859,² though such employer may be within the jurisdiction of the Court in which such naib or gumashta may appear or make any application

Naibs or gumasthas when deemed recognized agent under Code of Civil Procedure

33. From and after the time when this Act shall commence and take effect in any place the jurisdiction, save as regards any suits or proceedings then pending, of the Collectorate Courts in such place, under Act 10 of 1859³ of the Governor General in Council and Act 6 of 1862¹ of the Council of the Lieutenant Governor of Bengal, to entertain suits shall cease, and all suits brought for any cause of action arising under either of those Acts or this Act shall, from such time and in such place, be cognizable by the Civil Courts according to their several jurisdictions

Cognizance of suits under Act

34. Save as in this Act is otherwise provided, suits of every description brought for any cause of action arising under this Act, and all proceedings therein, shall be regulated by the Code of Civil Procedure passed by the Governor General in Council, being Act No 8 of 1859², and by such further and other enactments of the Governor-General in Council in relation to Civil Procedure as now are, or from time to time may be, in force, and all the provisions of the said Act and of such other enactments shall apply to such suits

Proceeding to be regulated under Code of Civil Procedure

35. The cause of action in suits brought for the delivery of any patta or kahumat, or for the cancelment of any lease, for the determination of rates of rent, for illegal exactions of rent, cess or impost, for refusal of receipts

Jurisdiction in certain suits

¹ The Bengal Rent Act 1862 It was repealed by s. 107 of the present Act, *post*

² See now the Code of Civil Procedure, 1908 (Act V of 1908) in Genl Acts, Vol. VI

³ The Bengal Rent Act, 1859 It has been declared, by notification under the Scheduled Districts Act, 1874 (XIV of 1874), to be not in force in any part of Assam—see Vol II, App. I, Table C

for rent paid, for extortion of rent, for excessive demand of rent, for abatement of rent, for arrears of rent, and for refusing to register transfers, successions or divisions under section 26, shall be deemed to have arisen within the jurisdiction of the Court which would have had jurisdiction to entertain a suit for the recovery of the land or other immoveable property in relation to which the cause of action arose, and shall be brought in such Court and in no other Court.

Provision
when cause of
action arises
in different
jurisdictions.

36. If the land which by the provisions of the next preceding section determines the place in which the cause of action in the suits in the said section mentioned shall be deemed to have arisen, be situate within the jurisdiction of different Courts, the provisions of sections 11 and 12 of the said Act 8 of 1859¹ shall apply to such suits, as if the same had been suits for the recovery of such land.

Proceedings
in case of
opposition
made to
measure-
ment.

37. If any person intending to measure any land, which he has a right to measure is opposed in making such measurement by the occupant of the land, or if any under-tenant or raiyat having received notice of the intended measurement of land held or cultivated by him, which is liable to such measurement, refuses to attend and point out such land, the person claiming the right to measure such land may apply to establish his right to measure such land in the Court which would have had jurisdiction in case such suit had been brought for the recovery of such land, and such Court shall hear and determine the right to make such measurement, and if the case shall so require, shall make an order enjoining or excusing the attendance of any such under-tenant or raiyat.

If any under-tenant or raiyat, after the issue of an order enjoining his attendance neglects to attend and to point out the land, it shall not be competent to him to contest the correctness of the measurement made, or any of the proceedings held, in his absence.

Measure-
ment when it
cannot be
ascertained
who are
liable to pay

38. If the proprietor of an estate or tenure, or other person entitled to receive the rents of an estate or tenure, is unable to measure the lands comprised in such estate or tenure, or any part thereof, by reason that he cannot ascertain who are the persons liable to pay rent in respect of the lands or any part of the lands comprised therein, such proprietor or other person may apply to the Court which would have had jurisdiction in case a suit had been brought for the recovery of such lands; and such Court thereupon, and on the necessary costs being deposited therein by the applicant, shall order such lands to be measured, and shall cause a copy of such order to be transmitted to the Collector² in whose jurisdiction the lands are situate, together with the sum so deposited for costs; and the Collector² shall thereupon proceed to measure such lands, and shall ascertain and record the names of the persons in occupation of the same, or, on the special application of the proprietor.

¹ See now the Code of Civil Procedure, 1908 (Act V of 1908), Genl. Acts, Vol. VI.

² Now the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901. p. 12.

or other person aforesaid but not otherwise, shall proceed to ascertain, determine and record the tenures and under-tenures, the rates of rent payable in respect of such lands, and the persons by whom respectively the rents are payable

If after due inquiry the Collector¹ shall be unable to cause such lands to be measured, or to ascertain or record the names of the persons in occupation of the same, or if he shall (in any case in which such special application shall have been made as aforesaid) be unable to ascertain who are the persons having tenures or under tenures in such lands, or any part thereof, then and in any such case such Collector¹ may declare the same to have lapsed to the party on whose application such inquiry may have been made

If any person, within fifteen days after such Collector¹ shall have recorded the name of such person as being in occupation of such land, or any part thereof, or shall have declared a tenure to have lapsed, shall appear and show good and sufficient cause for his previous non-appearance, and satisfy such Collector¹ that there has been a failure of justice, such Collector¹ may, upon such terms or conditions as may seem fit, alter or rescind such order according to the justice of the case

39. The Collector¹ shall, as soon as conveniently may be after he shall have finally completed any such measurement and record, return a copy thereof to the Court by which such measurement had been ordered, and such Court shall receive and record the same, and every decision of the Collector¹ made in pursuance of the provisions of section 38 shall be appealable as if the same had been an order of the Court into which such copy had been returned made upon the day on which such copy was so returned, but, save as aforesaid, every decision of such Collector¹ made in pursuance of the provisions of section 38 shall be final

40. The provisions of the said Act 8 of 1859² and the Acts amended-Collector's powers
ing the same, or of any other Act or Acts for the time being in force in Civil Courts in Bengal,³ relating to the evidence of witnesses to procuring the attendance of witnesses and the production of documents, and to the examination, remuneration and punishment of witnesses, shall apply to all proceedings before any Collector¹ under section 38, and, for the purposes aforesaid, the Collector¹ shall have all the powers and authorities in and by such Acts or any of them conferred upon the Court

41. All measurements made under this Act shall be made according to the standard pole of measurement of the pargana in which the land is situated

42. All suits brought under any of the provisions of this Act shall be entered in a special register of the Court kept for that purpose

¹ Now the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12

² See now the Code of Civil Procedure, 1908 (Act V of 1908) in Genl. Acts, Vol. VI

³ This includes Assam

Form of
plaint in suits
for arrears.

43. In any suit hereafter to be brought for the recovery of an arrear of rent, the plaintiff shall specify the name of the village and estate, and of the pargana or other local division in which the land is situate, the yearly rent of the land, the amount (if any) received on account of the year for which the claim is made, the amount in arrear, and the time in respect of which it is alleged to be due.

If the arrear is alleged to be due from any raiyat, the plaintiff shall further specify the quantity of land; and, where fields have been numbered in a Government survey, the number (if it be possible to give it) of each field.

When Court
may award
to plaintiff
additional
damages not
exceeding
twenty-five
per centum.

44. In any suit hereafter to be brought for rent under the provisions of this Act, if it shall appear to the Court that the defendant has, without reasonable or probable cause, neglected or refused to pay the amount due by him, and that he has not, before the institution of the suit, tendered such amount to the plaintiff or his duly authorised agent, or, in case of the refusal of the plaintiff or such agent to receive the amount tendered, has not deposited such amount in the Court before the institution of the suit in the manner hereinafter mentioned, it shall be lawful for the Court to award to the plaintiff, in addition to the amount decreed for rent and costs, such damages, not exceeding twenty-five *per centum* on the amount of rent decreed, as the Court may think fit.

These damages, if awarded, as well as the amount of rent and costs decreed in the suit, shall carry interest at the rate of twelve *per centum* per annum from the date of decree until payment thereof.

Award of
compensation
to defendant
improperly
sued.

45. In any suit hereafter to be brought for rent under the provisions of this Act, if it shall appear to the Court that the plaintiff has instituted the suit against the defendant without reasonable or probable cause, or that the defendant had before the institution of the suit duly deposited in the Court in the manner hereinafter mentioned, the full amount which the Court shall find to have been due to the plaintiff at the date of such deposit, it shall be lawful for the Court to award to the defendant, by way of compensation, such sum, not exceeding twenty-five *per centum* on the whole amount claimed by the plaintiff, as the Court may think fit; and such sum, with interest at the rate of twelve *per centum* per annum until payment thereof, shall be recoverable from the plaintiff in like manner as sums ordered to be paid by decrees of such Court.

Under-
tenant or
raiya may,
after tender,
etc., pay into
Court, with-
out action
brought
what he
admits to
be due.

46. If any under-tenant or raiyat shall, at the mál-cutcherry for the receipt of rents or other place where the rents of the land or other immoveable property held or cultivated by him are usually payable, tender payment of what he shall consider to be the full amount of rent due from him at the date of the tender to the zamindar or other person in receipt of the rent of such land, and if the amount so tendered shall not be accepted, and a receipt in full shall not be forthwith granted, it shall be lawful for the under-tenant or raiyat, without any suit having been instituted against him, to deposit such amount in the

Court having jurisdiction to entertain a suit for such rent, to the credit of the zamindar or other person aforesaid,

and such deposit shall so far as the under-tenant or raiyat, and all persons claiming through or under him, are concerned, in all respects operate as, and have the full effect of, a payment then made by the under-tenant or raiyat, of the amount deposited, to such zamindar or other person

Payment into Court to have effect of payment to zamindar or other person entitled Proceedings on payment into Court and drawing out money

47. Such deposit shall be received in such Court on the application of the under-tenant or raiyat, or his agent, made in writing, and on the under tenant or raiyat, or his agent, making a declaration in the form, or, as nearly as circumstances will admit, in the form set forth in the Schedule (A) hereto annexed, and the Court shall give a receipt for the same under its seal

If the declaration shall contain any averment which the person making the declaration shall know or believe to be false, or shall not know or believe to be true, such person shall be subject to punishment according to the law for the time being in force for the punishment of giving or fabricating false evidence

Upon receiving the money so deposited, the Court shall issue a notice to the person to whose credit it has been deposited, in the form set forth in the Schedule (B) hereto annexed, and such notice shall be served by the Court without the payment of any fee, either upon the person to whom it is addressed, or upon his naih, gumáshta or other agent, and, in the absence of any such agent, it shall be served by sticking up a copy of the same in the said Court, and another copy upon the mál-cutcherry for the receipt of rents or other place where the rents are usually paid for the land in respect of which the money has been deposited

If the person to whom such notice is issued or his duly authorized agent shall appear, and apply that the money in deposit be paid to him, it shall be immediately made over to him

After action brought defendant may pay into Court, with out costs, money tendered before.

48. The defendant in any suit instituted under any of the provisions of this Act, may, if he have duly tendered the same to the plaintiff before the institution of the suit, pay into Court such sum of money as such defendant may consider to be due to the plaintiff, without paying in any costs incurred, by the plaintiff up to the time of such payment, and such sum shall be immediately paid out of Court to the plaintiff

Costs if plaintiff goes on and recovers no more

If after such payment the plaintiff elects to proceed in the suit, and ultimately recovers no further sum than shall have been paid into Court, the plaintiff shall be charged with the whole costs of the suit incurred by the defendant, but if the plaintiff ultimately recovers a further sum than shall have been paid into Court, the defendant shall be charged with the whole costs of the suit

49. The defendant in any suit instituted under any of the provisions of this Act may, without having made any tender before action brought, pay into Court such sum of money as he shall consider to be due to the plaintiff, together with the costs (to be fixed by the Court, if necessary, as of a suit

If no previous tender made, defendant may pay into Court what he admits to

Form of
plaint in suits
for arrears.

43. In any suit hereafter to be brought for the recovery of an arrear of rent, the plaintiff shall specify the name of the village and estate, and of the pargana or other local division in which the land is situate, the yearly rent of the land, the amount (if any) received on account of the year for which the claim is made, the amount in arrear, and the time in respect of which it is alleged to be due.

If the arrear is alleged to be due from any raiyat, the plaintiff shall further specify the quantity of land; and, where fields have been numbered in a Government survey, the number (if it be possible to give it) of each field.

When Court
may award
to plaintiff
additional
damages not
exceeding
twenty-five
per centum.

44. In any suit hereafter to be brought for rent under the provisions of this Act, if it shall appear to the Court that the defendant has, without reasonable or probable cause, neglected or refused to pay the amount due by him, and that he has not, before the institution of the suit, tendered such amount to the plaintiff or his duly authorised agent, or, in case of the refusal of the plaintiff or such agent to receive the amount tendered, has not deposited such amount in the Court before the institution of the suit in the manner hereinafter mentioned, it shall be lawful for the Court to award to the plaintiff, in addition to the amount decreed for rent and costs, such damages, not exceeding twenty-five *per centum* on the amount of rent decreed, as the Court may think fit.

These damages, if awarded, as well as the amount of rent and costs decreed in the suit, shall carry interest at the rate of twelve *per centum* per annum from the date of decree until payment thereof.

Award of
compensation
to defendant
improperly
sued.

45. In any suit hereafter to be brought for rent under the provisions of this Act, if it shall appear to the Court that the plaintiff has instituted the suit against the defendant without reasonable or probable cause, or that the defendant had before the institution of the suit duly deposited in the Court in the manner hereinafter mentioned, the full amount which the Court shall find to have been due to the plaintiff at the date of such deposit, it shall be lawful for the Court to award to the defendant, by way of compensation, such sum, not exceeding twenty-five *per centum* on the whole amount claimed by the plaintiff, as the Court may think fit: and such sum, with interest at the rate of twelve *per centum* per annum until payment thereof, shall be recoverable from the plaintiff in like manner as sums ordered to be paid by decrees of such Court.

Under-
tenant or
raiya may,
after tender,
etc., pay into
Court, with-
out action
brought
what he
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be due.

46. If any under-tenant or raiyat shall, at the mál-cutcherry for the receipt of rents or other place where the rents of the land or other immoveable property held or cultivated by him are usually payable, tender payment of what he shall consider to be the full amount of rent due from him at the date of the tender to the zamindar or other person in receipt of the rent of such land, and if the amount so tendered shall not be accepted, and a receipt in full shall not be forthwith granted, it shall be lawful for the under-tenant or raiyat, without any suit having been instituted against him, to deposit such amount in the

Court having jurisdiction to entertain a suit for such rent, to the credit of the zamindar or other person aforesaid,

and such deposit shall so far as the under-tenant or raiyat, and all persons claiming through or under him, are concerned, in all respects operate as, and have the full effect of, a payment then made by the under-tenant or raiyat, of the amount deposited, to such zamindar or other person

Payment into Court to have effect of payment to zamindar or other person entitled Proceedings on payment into Court and drawing out money

47. Such deposit shall be received in such Court on the application of the under-tenant or raiyat, or his agent, made in writing and on the under tenant or raiyat, or his agent, making a declaration in the form, or, as nearly as circumstances will admit, in the form set forth in the Schedule (A) hereto annexed, and the Court shall give a receipt for the same under its seal

If the declaration shall contain any averment which the person making the declaration shall know or believe to be false, or shall not know or believe to be true, such person shall be subject to punishment according to the law for the time being in force for the punishment of giving or fabricating false evidence

Upon receiving the money so deposited, the Court shall issue a notice to the person to whose credit it has been deposited in the form set forth in the Schedule (B) hereto annexed, and such notice shall be served by the Court without the payment of any fee, either upon the person to whom it is addressed, or upon his naih, gumashta or other agent, and, in the absence of any such agent, it shall be served by sticking up a copy of the same in the said Court, and another copy upon the mail-cutcherry for the receipt of rents or other place where the rents are usually paid for the land in respect of which the money has been deposited

If the person to whom such notice is issued or his duly authorized agent shall appear, and apply that the money in deposit be paid to him, it shall be immediately made over to him

After action brought defendant may pay into Court, without costs, money tendered before

48. The defendant in any suit instituted under any of the provisions of this Act, may, if he have duly tendered the same to the plaintiff before the institution of the suit, pay into Court such sum of money as such defendant may consider to be due to the plaintiff, without paying in any costs incurred, by the plaintiff up to the time of such payment, and such sum shall be immediately paid out of Court to the plaintiff

Costs if plaintiff goes on and recovers no more.

If after such payment the plaintiff elects to proceed in the suit and ultimately recovers no further sum than shall have been paid into Court the plaintiff shall be charged with the whole costs of the suit incurred by the defendant, but if the plaintiff ultimately recovers a further sum than shall have been paid into Court, the defendant shall be charged with the whole costs of the suit

49. The defendant in any suit instituted under any of the provisions of this Act may, without having made any tender before action brought, pay into Court such sum of money as he shall consider to be due to the plaintiff, together with the costs (to be fixed by the Court, if necessary, as of a suit

If no previous tender made, defendant may pay into Court what he admits to

be due, with costs on that sum.

Costs if plaintiff goes on with suit.

No warrant of arrest before judgment.

Mesne profits may be claimed in suits for recovery of land. Suits for ejectment or cancelment of lease.

When Court to issue immediate execution.

In such cases execution not

originally instituted for the amount so paid into Court) incurred by the plaintiff up to the time of such payment, and such sum shall immediately be paid out of Court to the plaintiff.

If after such payment the plaintiff elects to proceed in the suit, and ultimately recovers no further sum than shall have been paid into Court, he shall be charged with all costs incurred by the defendant subsequently to such payment; but, if the plaintiff ultimately recovers a further sum than shall have been paid into Court, the defendant shall be charged with costs as upon a suit originally instituted, for the whole amount for which the plaintiff ultimately obtains a decree, but shall have credit thereout for the amount of costs paid into Court by him in the first instance.

50. No warrant of arrest before judgment shall be issued in a suit for arrears of rent due in respect of a dependent taluk or other transferable tenure which may be liable to sale in execution of any decree which may be passed in the case.

51. It shall be lawful for any person entitled to recover the possession of land under any of the provisions of this Act to include in his plaint a claim for the mesne profits of the land.

52. Any person, desiring to eject a raiyat or to cancel a lease on account of non-payment of arrears of rent, may sue for such ejectment or cancelment, and for recovery of the arrear, in the same action or may adduce any unexecuted decree for arrears of rent as evidence of the existence of such arrear in a suit for such ejectment or cancelment.

In all cases of such suits for the ejectment of a raiyat or the cancelment of a lease, the decree shall specify the amount of the arrear; and, if such amount, together with interest and costs of suit, be paid into Court within fifteen days from the date of the decree, execution shall be stayed.

53. Whenever in any suit brought by any zamindar or other person in receipt of the rent of land, to eject any cultivator not having a right of occupancy, or to eject any farmer or other tenant holding only for a limited period after the determination of his lease or tenancy, or any agent after the determination of his agency, or to enforce any attachment or ejectment expressly authorized by any Regulation or Act, the Court shall pass a decree in favour of the plaintiff, no application in the form provided in section 212 of the said Act 8 of 1859¹ shall be necessary, but the Court shall forthwith upon the plaintiff depositing in Court the necessary expenses, make an order for delivery of possession in execution of the decree:

Provided, however, that in cases to which section 52 of this Act is applicable, no such order shall be made until after the expiration of fifteen days from the date of the decree.

54. It shall not be lawful for the Court to entertain any application for stay of execution of any such order pending any appeal, and no person who

¹ See now the Code of Civil Procedure, 1908 (Act V of 1908) in Genl. Acts Vol. VI

shall have been evicted under any such order shall be restored to possession so long as the decree under which such order was issued shall remain unreversed

stayed pending appeal

55. When a decree is given for the delivery of a patta, if the person required by the decree to grant such patta refuse or delay to grant the same, the Court may grant a patta in conformity with the terms of the decree under the signature and seal of such Court, and such patta shall be of the same force and effect as if granted by the person aforesaid

If person required by decree refuse to grant patta, Court may do so

56. When a decree is given for the delivery of a kahuliat if the person required by the decree to execute such kabuliyaat shall refuse to execute the same, the decree shall be evidence of the amount of rent claimable from such person, and a copy of the decree under the signature and seal of the Court shall be of the same force and effect as a kahuliat executed by the said person

Refusal to execute kabuliyaat as required by decree

57. Process of execution in any suit instituted under this Act may be issued against either the person or the property of a judgment-debtor, but process shall not be issued simultaneously against both the person and property

Process not to issue simultaneously against both person and property

58. No process of execution of any description whatsoever shall be issued on a judgment in any suit for any of the causes of action mentioned in sections 27, 28, 29 or 30 of this Act, after the lapse of three years from the date of such judgment, unless the judgment be for a sum exceeding five hundred rupees, in which case the period within which execution may be had shall be regulated by the general rules in force in respect to the period allowed for the execution of decrees of the Court

No execution after three years from date of judgment

59. Whenever a decree may be passed for an arrear of rent due in respect of an under-tenure which by the title deeds or the custom of the country is transferable by sale, and the judgment-creditor or shall make application for the attachment and sale of such under-tenure, the Court shall, so soon as such under-tenure shall have been ordered to be sold, cause to be hung up in some conspicuous part of the building in which such Court sits, and of the buildings in which the Collector¹ and Judge of the district within which the land comprised in such under-tenure is situate, and to be affixed on some conspicuous place on such land and on some conspicuous place in the town or village in or nearest to which such land is situate, a notice for the sale of such under-tenure on some fixed date not less than twenty days from the hanging up of such notice in such Court

Procedure on sale of under-tenure

60. Every such notice shall specify, in the words used in the plaint in the suit in which the decree was made, the name of the village, estate and pargana or other local division in which the land comprised in the said under-tenure is situated, the yearly rent payable under the said under-tenure, and the gross amount recoverable under the said decree

Contents of notice of sale of under-tenure

61. No order for the sale of any such under-tenure shall be made in execution of a decree for recovery of arrears of rent payable in respect thereof

Under-tenures not to be sold

¹ Now the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

while other execution in force.

when a warrant of execution has been previously issued against the person or moveable property of the judgment-debtor, so long as such warrant remains in force.

If, after sale of any such under-tenure in execution of such decree, any portion of the amount decreed remains due, process may be applied for and issued against any other property, moveable or immoveable, belonging to the debtor.

How sale may be stayed by person interested in under-tenure

62. If the sum due under the decree, together with interest to date of payment, and all costs of process be paid into Court at any time before the sale commences, whether by the defaulting holder of the under-tenure or any one on his behalf, or any one interested in the protection of the under-tenure, such sale shall not take place; and the provisions of section 13 of Regulation 8 of 1819¹ for the recovery of sums paid by persons other than the defaulting holder of the under-tenure to stay the sale of the under-tenure shall be applicable to all similar payments made under this section.

If third party claim to be lawful possessor of under-tenure, Court to stay sale and to adjudge upon claim upon decree being paid or secured. Unregistered transfers not recognized.

63. If, after attachment and before sale of any such under-tenure as aforesaid in execution of a decree for arrears of rent due in respect of such under-tenure any third party may prefer a claim alleging that such third party and not the person against whom the decree has been obtained is the proprietor of such under-tenure, and was in lawful possession of the same at the time when such decree was obtained, the Court shall not postpone such sale, unless and until such third party shall have deposited in Court the amount of the decree, or given sufficient security for the same:

Provided always that no transfer of an under-tenure which, by the provisions of this Act or any other law for the time being in force, is required to be registered in the sarishta of the zamindar or superior tenant, shall be recognized unless it has been so registered, or unless sufficient cause for non-registration be shewn to the satisfaction of the Court.

Execution of decrees in favour of sharers in undivided estates or tenures.

64. If a decree is given in favour of a sharer in a joint undivided estate, dependent taluk or other similar tenure, for money due to him on account of his share of the rent of an under-tenure situate in such undivided estate, taluk or tenure, no order for the sale of such under-tenure in execution of such decree shall be made unless and until all moveable property (if any) which such judgment-debtor may possess within the jurisdiction of the Court in which the suit was instituted shall have been seized and sold in execution of such decree, and the sale of such property, if any, shall have proved insufficient to satisfy the judgment.

In such case such under-tenure, if of the nature described in section 59, may be seized and sold in execution of such decree, according to the ordinary procedure of the Court and not in the manner provided in the said section, and every such sale shall have such and the same effect as the sale of any immoveable property sold in execution of a decree not being for arrears of rent payable in respect thereof.

¹ The Bengal Patni Taluks Regulation, 1819. It is printed *ante*.

65. In the execution of any decree for the payment of any money under this Act, not being money due as arrears of rent of a saleable under-tenure, if satisfaction of the judgment cannot be obtained by execution against the person or moveable property of the debtor within the district in which the suit was instituted, the judgment-creditor may apply for execution against any immovable property belonging to such debtor

When judgment creditor may apply for execution against immovable property

66. The purchaser of an under-tenure under the provisions of sections 59 and 60 of this Act shall acquire it free of all incumbrances which may have accrued thereon by any act of any holder of the said under-tenure, his representatives or assignees, unless the right of making such incumbrances shall have been expressly vested in the holder by the written engagement under which the under-tenure was created or by the subsequent written authority of the person who created it, his representatives or assignees, provided that nothing herein contained shall be held to entitle the purchaser to eject khud-kast raiyats or resident and hereditary cultivators nor to cancel *bond fide* engagements made with raiyats or cultivators of the classes aforesaid by any holder of the under-tenure or his representatives, except it be proved in a regular suit to be brought by such purchaser for the adjustment of his rent that a higher rent would have been demandable at the time such engagements were contracted by his predecessor

Purchaser to acquire under-tenure with certain exceptions, free of incumbrances

Nothing in this section shall be held to apply to the purchase of a tenure by the previous holder thereof through whose default the tenure was brought to sale

67. The purchaser of an under-tenure sold under this Act shall apply to the zamindar or other landholder within fifteen days from the day of sale to have his name registered in the zamindar or other landholder's books as the purchaser, and shall execute a *kahulyat* on the same terms and conditions on which the under-tenure was held by the defaulter, and, if such application be not made within fifteen days, it shall be lawful for the zamindar or other landholder to sue the said purchaser for the delivery of a *kahulyat*

Zamindar how to proceed if purchaser do not register

68. The produce of the land is held to be hypothecated for the rent payable in respect thereof, and when an arrear of rent, as defined in section 21 of this Act, is due from any cultivator of land, the zamindar, *lakhirajdar*, farmer, dependent, *talukdar*, under farmer or other person entitled to receive the rent of such land immediately from the actual cultivator thereof, instead of bringing suit for the arrear as hereinbefore provided, may recover the same by distraint and sale of the produce of the land on account of which the arrear is due, under the following rules —

Produce of land held hypothecated for rent

Recovery of arrears of rent by distraint

Provided always that, when a cultivator has given security for the payment of his rent, the produce of the land for the rent of which security has been given shall not be liable to distraint

Cultivators who have given security exempt from distraint. Proviso

Provided also that no sharer in a joint state, dependent *taluk* or other tenure in which a division of lands has not been made amongst the sharers shall exercise the power of distraint otherwise than through a manager

authorized to collect the rents of the whole estate, taluk or tenure on behalf of all the sharers in the same.

No distraint
in certain
cases.

69. Distraint shall not be made for any arrear which has been due for a longer period than one year; nor for the recovery of any sum in excess of the rent payable for the same land in the preceding year, unless a written engagement for the payment of such excess has been executed by the cultivator.

Power of
distraint
exercised by
managers
under Court
of Wards, etc.

70. The power of distraint vested by section 68 in zamindars and other persons entitled to receive rent from cultivators of land may be exercised by managers under the Court of Wards, sarbarahkars and tahsildars, of estates held under khas management, and other persons lawfully entrusted with the charge of landed property; and also by naibs, gumáshtas and other agents employed by any such persons as aforesaid in the collection of rent, if expressly authorised by power-of-attorney in that behalf:

Proviso.

Provided that, if any illegal act is committed by any such naib, gumáshta or other agent, under colour of the exercise of the said power, the person employing such agent shall be liable, as well as the agent, for any damages accruing by reason of such act.

Standing
crops and
crops gather-
ed, but not
stored, liable
to distraint.

71. Standing crops and other ungathered products of the earth, and crops or other products when reaped or gathered and deposited in any threshing-floor or place for treading out grain or the like, whether in the field or within a homestead, may be distrained by persons invested with the powers of distraint under the provisions of this Act.

But no such crops or products other than the produce of the land in respect of which an arrear of rent is due, or of land held under the same engagement, and no grain or other produce after it has been stored by the cultivator, and no other property whatsoever, shall be liable to distraint under this Act.

Defaulter to
be served
with written
demand, etc.,
before or at
time of
distraint.

72. Before or at the time when distraint is made under this Act, the distrainer shall cause the defaulter to be served with a written demand for the amount of the arrear, together with an account exhibiting the grounds on which the demand is made.

The demand and account shall, if practicable, be served personally on the defaulter, or if he abscond or conceal himself so that they cannot be so served, shall be affixed at his usual place of residence.

Distress pro-
portionate to
arrear if not
paid or ten-
dered.

73. Unless the amount of the demand is immediately paid or tendered, the distrainer may distrain property as aforesaid of value proportionate to the amount of the arrear with costs of the distress; and shall prepare a list or description of the said property and deliver a copy of the same to the owner, or, if he be absent, affix it at his usual place of residence.

Standing
crops, etc.,
when attach-
ed, to be

74. Standing crops and other ungathered products may, notwithstanding the distraint, be reaped and gathered by the cultivator, and may be stored in such granaries or other places as are commonly used by him for the purpose.

If the cultivator neglect to do so, the distrainer shall cause the said crops or products to be reaped or gathered, and in such case shall store the same either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood

reaped and stored by cultivator, or if he neglect to do so, by distrainer

In either case the distrained property shall be placed in the charge of some person appointed by the distrainer for the purpose

Crops or products which from their nature do not admit of being stored, may be sold, before they are cut or gathered, under the rules hereinafter provided, but in such case the distraint shall be made at least twenty days before the time when the crops or products or any part of the same would be fit for cutting or gathering

75. If a distrainer shall be opposed or shall apprehend resistance, and shall desire to obtain the assistance of a public officer, he may apply to the Court which under the provisions of this Act would have jurisdiction to entertain a suit for the rent for which such distrainer is about to distrain, and the Court may, if it thinks necessary, depute an officer to support the distrainer in making the distraint

Distrainer may apply for aid to Court upon resistance made or apprehended.

76. When any person empowered to distrain property under section 68 or section 70 shall employ a servant or other person to make the distress, he shall give to such servant or person a written authority * * *¹ for the same, and the distress shall be made in the name and on the responsibility of the person giving such authority

Authority to be given to servant employed to distrain

77. If at any time after property has been distrained, and prior to the date fixed for its being put up to sale as hereinafter provided the owner of the property shall tender payment of the arrear demanded of him and of the expense of the distress, the distrainer shall receive the same, and shall forthwith withdraw the distress

Distress to be withdrawn on tender of arrear and expenses prior to day of sale

78. Within five days from the time of the storing of any distrained crops or products, or if the crops or products do not, from their nature, admit of being stored, within five days from the time of making the distress, the distrainer shall apply for sale of the same to the Court which would have jurisdiction to entertain a suit for the rent for which the distress was made.

Application for sale

79. The application shall be in writing and shall contain an inventory or description of the property distrained, the name of the defaulter and his place of residence, the amount due and the date of the distress, and the place in which the distrained property is deposited

Form of application

Together with the application, the distrainer shall lodge in Court the amount necessary for the service of a notice upon the defaulter as hereinafter provided

Cost of notice upon defaulter to be deposited by distrainer.

80. Immediately on receipt of any application under the provisions of the next preceding section, the Court to which such application shall have been

Procedure by Civil Court on receipt of application.

¹ The words "(which may be on plain paper)," which were repealed by the Court fees Act, 1870 (VII of 1870), are omitted

made shall appoint an officer to conduct the sale of such property, and shall cause to be served a notice (which shall be in the form contained in the Schedule (C) to this Act or to the like effect) on the person whose property has been distrained, requiring him either to pay the amount demanded, or to institute a suit to contest the demand before such Court within the period of fifteen days from the receipt of the notice; and shall at the same time cause to be affixed upon some conspicuous place in the Court-house, a proclamation fixing a day for the sale of the distrained property, which shall not be less than twenty days from the date of the application; and shall deliver a copy of the proclamation to the peon charged with the service of the notice, to be put up by him in the place where the distrained property is deposited.

The proclamation shall contain a description of the property, the demand for which it is to be sold, and the place where the sale is to be held.

Sale to be suspended when suit instituted.

81. If a suit shall be instituted in pursuance of the aforesaid notice, the Court shall suspend proceedings in regard to the sale of the distrained property, and shall certify to the officer appointed to conduct the sale of such suspension.

Suit to contest distrainer's demand before issue of notice of sale.

82. Any person whose property has been distrained in the manner in this Act provided may institute a suit to contest the demand of the distrainer immediately after the distraint of his property, and before the issue of notice of sale; when such suit is instituted, the Court shall suspend proceedings in respect of the sale of such property.

Distress to be withdrawn on receipt of certificate that owner has executed bond to pay decree with interest and costs.

83. The person whose property has been distrained, may, at the time of instituting any such suit as aforesaid or at any subsequent period, execute a bond with sufficient security, binding himself and his sureties to pay whatever sum may be adjudged to be due from him with interest and costs of suit and, when such bond is executed, the Court shall give to the owner of the property a certificate to that effect, or, if so requested, shall serve the distrainer with notice of the same and upon such certificate being presented to the distrainer by the owner of the property, or served on him by order of the Court, the property shall be released from distraint.

Value of claim in suits disputing distress.

84. The estimated value of the claim made in any suit filed under the provisions of sections 80, 82 and 96, or any of them, shall be deemed to be the amount of arrears of rent for which the distraint shall have been made.

On expiration of period fixed in proclamation of sale, if institution of suit to contest distrainer's demand not certified, sale may proceed.

85. On the expiration of the period fixed in the proclamation of sale, if a suit to contest the demand of the distrainer be not in the meantime instituted in the Court and certified to the officer appointed to conduct the sale, such officer shall, unless the said demand, with such costs of the distress as shall be allowed by him, be discharged in full, proceed to sell the property, or such part of it as may be necessary, in the manner hereinafter prescribed.

Place and manner of sale of distrained property.

86. The sale shall be held at the place where the distrained property is deposited, or at the nearest ganj, bazar, hath, or other place of public resort, if the officer appointed to conduct the sale should be of opinion that it is likely to sell there to better advantage.

The property shall be sold by public auction in one or more lots as such officer holding the sale may think advisable, and, if the demand with the costs of distress and sale be satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder

87. If, on the property being put up for sale, a fair price in the estimation of the officer holding the sale, be not offered for it, and the owner of the property or some person authorised to act on his behalf apply to have the sale postponed until the next day or the next market day, if a market be held at the place of sale, the sale shall be postponed until such day, and shall be then completed, whatever price may be offered for the property

If fair price be not offered, sale may be postponed, and shall be then completed at whatever price offered
Payment of purchase money

88. The price of every lot shall be paid for in ready money at the time of sale, or as soon after as the officer holding the sale shall think necessary, and in default of such payment, the property shall be put up again and sold

When the purchase money has been paid in full, the officer holding the sale shall give the purchaser a certificate describing the property purchased by him and the price paid

89. From the proceeds of the sale of distrained property, the officer holding the sale shall make a deduction at the rate of one anna in the rupee on account of the costs of the sale, and shall transmit the amount to the Court in order that it may be credited to Government

Proceeds of sale

He shall then pay to the distrainer the expenses incurred by the distrainer on account of the distress and of the issue of the notice and proclamation of sale, prescribed in section 80, to such amount as, after examination of the statement of expenses furnished by the distrainer, he shall think proper to allow

The remainder shall be applied to the discharge of the arrear for which the distraint was made, with interest thereupon up to the day of sale, and, if there be any overplus, it shall be delivered to the person whose property shall have been sold

90. Officers holding sales of property under this Act, and all persons employed by or subordinate to such officers, are prohibited from purchasing, either directly or indirectly, any property sold by such officers

Officers holding sales prohibited from purchasing
Irregularities to be reported to Court.

91. Officers holding sales of distrained property are required to bring to the notice of the Court any material irregularities committed by distrainers under colour of this Act, and if in any case, on proceeding to hold a sale of property, such officer shall find that the owner of the property has not received due notice of the distress and intended sale, he shall postpone the sale and report the case to the Court, and the Court shall direct the issue of another notice and proclamation of sale under section 80, or pass such other order as may seem proper

92. When any such officer has proceeded to any place for the purpose of holding a sale, and no sale takes place either for the reason stated in the last preceding section or because the demand of the distrainer has been previously satisfied, no intimation of such satisfaction having been given by the

Recovery of expenses if officer proceeded to place of sale and

no sale takes place.

distrainer to such officer, the charge of one anna in the rupee on account of expenses shall be leviable, and shall be calculated on the estimated value of the distrained property.

If the demand of the distrainer be not satisfied until the day fixed for the sale, the charge for expenses shall be paid by the owner of the property, and may be recovered by the sale of such portion thereof as may be necessary.

In all other cases the Court shall make an order that such expenses shall be paid by the distrainer, and shall in such order fix the amount to be paid by him; such amount not to exceed the sum of ten rupees; and the amount by such order directed to be paid may be recovered from such distrainer as if such order were a decree of such Court.

Proceedings of officers, etc., subject to revision and orders of Court.

93. All proceedings under this Act of the officers appointed to hold sales of distrained property shall be subject to the revision and orders of the Court to which they respectively are attached, and the Court may require the submission of such reports and statements of business performed by such officers as may be thought necessary.

Second proclamation of sale.

94. When a suit has been instituted to contest the demand of a distrainer, and the property has not been released on security, if the demand or any portion of it shall be adjudged to be due, the Court shall issue an order to the officer appointed to conduct the sale of such property and furnish a copy of such order to the distrainer authorizing the sale of the property; and on the application of the distrainer, which shall be made within five days from the receipt by him of such copy of such order, such officer shall publish a second proclamation in the manner prescribed in section 80, fixing another day for the sale of the distrained property, which shall not be less than five nor more than ten days from the date of the proclamation; and, unless the amount adjudged to be due with the costs of distress, including any costs of suit which may be ordered to be paid by the person instituting such suit, be paid immediately, shall proceed to sell the property in the manner hereinbefore provided.

Procedure after institution of suit to contest distrainer's demand.

95. In all suits instituted to contest the demand of a distrainer, the distrainer shall be required to prove the arrear in the same manner as if he had himself instituted a suit for the amount.

If the demand or any part thereof is found to be due, the Court shall make a decree for the amount in favour of the distrainer, together with such costs of suit as to such Court, may seem proper, and the amount may be recovered by sale of the property as provided in the last preceding section if the distress has not been withdrawn, and if any balance remain due after such sale, by execution of the decree against the person and any other property of the defaulter, or, if the property has been released on security, by execution of the decree against the person and property of the defaulter and of his surety.

If, on the other hand, the distraint is adjudged to be vexatious or groundless, the Court besides directing the release of the distrained property, may

award such damages in favour of the plaintiff as the circumstances of the case shall seem to require, and may decree the costs of the suit to be paid by the distrainer

96. If any person shall claim as his own property which has been distrained for arrears of rent alleged to be due from any other person, such person may institute a suit against the distrainer and such other person to try the right to the possession of the property in such Court, and in like manner and under the same conditions as to the time of instituting the suit and to the consequent postponement of sale, as a person whose property has been distrained for an arrear of rent alleged to be due from him may institute a suit to contest the demand

Owner of property distrained for arrears of rent alleged to be due from another may institute suit against distrainer

When any such suit is instituted the property may be released upon security being given for the value of the same

If the claim is dismissed the Court shall make an order for the sale of the property or the recovery of the value thereof, as the case may be, for the benefit of the distrainer, and for payment of such costs of suit to such distrainer as to such Court shall seem fit

If the claim is upheld, the Court shall decree the release of the distrained property with costs, and such damages (if any) as the circumstances of the case may seem to require

Provided always that no claim to any produce of land liable to distraint under this Act, which at the time of the distress may have been found in the possession of a defaulting cultivator whether such claim be in respect of a previous sale, mortgage or otherwise shall bar the prior claim of the person entitled to the rent of the land, nor shall any attachment in execution of a judgment or decree of any Court prevail against such prior claim

97. If any person, whose property has been distrained for the recovery of a demand not justly due or of a demand due or alleged to be due from some other person, is prevented by any sufficient cause from bringing a suit to contest the demand or to try the right to the property, as the case may be, within the period allowed by sections 82 and 96, and his property is in consequence brought to sale, he may nevertheless institute a suit under this Act to recover damages for the illegal distress and sale of his property

Person prevented from suing in time to save property from sale, may sue for damages

98. If any person empowered to distrain property or employed for the purpose under a written authority by a person so empowered, shall distrain or sell, or cause to be sold any property for the recovery of an arrear of rent alleged to be due otherwise than according to the provisions of this Act, or if any distrained property shall be lost, damaged or destroyed by reason of the distrainer not having taken proper precautions for the due keeping and preservation thereof, or if the distraint shall not be immediately withdrawn when it is required to be withdrawn by any provision of this Act, the owner of the property may institute a suit under this Act to recover damages for any injury which he may have thereby sustained

also persons aggrieved by illegal act of distrainer

Unlawful
distrain.

99. If any person not empowered to distrain property under sections 68 and 70 of this Act, nor employed for the purpose under written authority by a person so empowered, shall under colour of this Act distrain or sell, or cause to be sold, any property, the owner of the property may institute a suit under this Act to recover damages from such person for any injury which he may have sustained from the distrain or sale.

The said person shall, when the act complained of does not amount to criminal trespass, be liable to fine which may extend to three hundred rupees or to imprisonment, simple or rigorous, which may extend to two months, or to both, in addition to any damages which may be awarded against him in such suit.

Time for
commencing
suits for
damages.

100. Provided always that any suit which may be instituted under any of the last three sections shall be commenced within three months from the date of the occurrence of the cause of action.

Procedure on
resistance to
distrain, etc.

101. If any person shall resist a distrain of property duly made under this Act, or shall forcibly or clandestinely remove any distrained property, the Court which would have jurisdiction in a suit for the rent for which such distrain was made shall, upon complaint being made within fifteen days from the date of such resistance or removal, cause the person accused to be arrested, and if the offence be proved, and the offender be the owner of the property, shall order him to be imprisoned in the civil jail for six months, or until the whole arrear due to the distrainer, with all expenses and costs, shall be paid or levied by attachment and sale of the property of the offender under warrant of the Court.

If the person convicted of the offence be any other than the owner of the property, he shall make good to the distrainer the value of the same, and shall further be liable to a fine not exceeding one hundred rupees, or, in default of payment thereof, to imprisonment for a period not exceeding two months.

No appeal
from decree
of District
Judge for
money below
one hundred
rupees,
less it in-
volves right
to enhance
rent or a
title to land.

102. Nothing in this Act contained shall be deemed to confer any power of appeal in any suit tried and decided by a District Judge, originally or in appeal, if the amount sued for, or the value of the property claimed, does not exceed one hundred rupees, in which suit a question of right to enhance or vary the rent of a raiyat or tenant, or any question relating to a title to land or to some interest in land as between parties having conflicting claims thereto, has not been determined by the judgment.

Review of
judgment.

103. No application for a review of any judgment or order passed in any suit brought under the provisions of this Act shall be received by any Court after the expiration of thirty days from the date of such order or judgment; but nothing in this section contained shall be deemed to apply to the High Court of Judicature at Fort William in Bengal.

Small Cause
Court not to

104. Nothing in this Act shall be deemed to confer upon any Court sitting as a Court of Small Causes cognizance of any suit brought under the

provisions of this Act of which it would not have had cognizance if this Act had not been passed

105. If in any case the Court is satisfied that a party is unable to pay the cost of any necessary process in any suit under this Act it may direct such process to be served free of charge

106. This Act shall take effect in those districts in the Provinces subject to the Lieutenant Governor of Bengal¹ to which the said Lieutenant Governor² shall extend it by an order published in the Calcutta Gazette³ and thereupon this Act shall commence and take effect in the districts named in such order at the day and time which shall be in such order provided for the commencement thereof

107. When and so soon as this Act shall commence and take effect in any district the various provisions mentioned in Schedule (D) hereto annexed shall cease to have operation or effect in such district save so far as they repeal or modify any other Regulations or Acts and save so far as regards suits or proceedings which before the time of the commencement of this Act shall have been instituted before any Collector⁴

108. Whenever any suit or other proceeding under the provisions of the Acts in the Schedule (D) mentioned or of any of them shall at the time when this Act comes into operation in any place have been instituted before any Collector⁴ or other officer having under the provisions of the same Acts or of any of them jurisdiction in such suit or proceeding such suit or proceeding and all appeals therein shall be heard and determined and execution of any decree or order therein shall be had and the practice and procedure therein shall be such and the same as if this Act had not been passed

109. [Saving of the Chota Nagpore Tenures Act 1869 (Ben Act 2 of 1869)]
Omitted as being inapplicable to Eastern Bengal or to Assam

110. Nothing in this Act contained shall in any way affect any of the provisions of Act 7 of 1868⁵ of the Council of the Lieutenant Governor of Bengal for the recovery of arrears of land revenue and other demands recoverable as arrears of land revenue

111. This Act shall be called The Landlord and Tenant Procedure Act, 1869

SCHEDULE A

(Referred to in section 47)

I, A B of etc do solemnly declare that I did personally (or by my agent C D) on the day of tender payment

¹ See the Local Extent footnote ante

In Assam the Chief Commissioner—see the Bengal Bihar and Orissa and Assam Laws Act
Bihar and Orissa and Assam Laws Act

Local Statutory Rules and Orders Suppl.,

1901 p. 12

⁵ The Bengal Land Revenue Sales Act 1868 It has been repealed in Assam by the Assam Land and Revenue Regulation 1886 (I of 1886)

to *E. F.*, at his mál-cutcherry (or at) the place where the rent of the lands at held or cultivated by me under or from the said *E. F.* are usually payable, of the sum of rupees as and for the whole amount due from me in respect of the rent of the said lands from the month of to the month of , both inclusive. I further declare that the said *E. F.* refused to accept the said sum so tendered (or to give me a receipt in full forthwith for the same); and I do declare that, to the best of my belief, the sum of rupees so tendered, and which I now desire to pay into Court, is the full amount which I owe the said *E. F.* on account of the rent of the said lands from the month of to the month of , both inclusive, and that I owe the said *E. F.* no further sum on account of the rent of the said lands.

SCHEDULE B.

(Referred to in section 47.)

Court of

Dated the

day of

18

To *E. F.*, of etc.

WITH reference to the within declaration, you are hereby informed that the sum of rupees therein mentioned is now in deposit in this Court, and that the above sum will be paid to you or to your duly authorised agent on application; and take notice that if you have any further claim or demand whatsoever to make against the said *A. B.*, in respect of the rent of the said lands, you must institute a suit in Court for the establishment of such claim or demand within six calendar months from this date, otherwise your claim will be for ever barred.

[Copy of declaration in Schedule A to be annexed.]

SCHEDULE C.

(Referred to in section 80.)

FORM OF NOTICE TO OWNER OF DISTRAINED PROPERTY.

Court of

A.B., Distrainer.

(Name, description and address of the owner of the property.)

WHEREAS the said *A. B.* has applied to have the distrained property specified below sold for the recovery of alleged to be due to him as arrears of rent, you are hereby required, either to pay the said sum to the said *A. B.*, or to institute a suit in the Court of to contest the demand within

fifteen days from the receipt of this notice, failing which the property will be sold.

Dated this day of '18 .

SCHEDULE D.

(Referred to in sections 107 and 108.)

Being Acts made inoperative in Districts in which this Act is in force.

| DATE AND No OF ACT | TITLE OF ACT. | EXTENT OF REPEAL |
|--|--|------------------|
| Act 10 of 1859 | An Act to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal | The whole Act. |
| Act 6 of 1862, passed by the Lieutenant Governor of Bengal in Council. | An Act to amend Act 10 of 1859. | The whole Act. |
| Act 4 of 1867, passed by the Lieutenant Governor of Bengal in Council | An Act to explain and amend Act 6 of 1862, passed by the Lieutenant Governor of Bengal in Council and to give validity to certain judgments. | The whole Act. |

BENGAL ACT 6 OF 1870.

(THE VILLAGE-CHAUKIDARI ACT, 1870.)

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BENGAL ACT 6 OF 1870.

(THE VILLAGE-CHAUKIDARI ACT, 1870).¹

[19th October, 1870.]

An Act to provide for the appointment, dismissal and maintenance of village-chaukidars.

Preamble. WHEREAS it is expedient to make provisions for the appointment, dismissal and maintenance of village-chaukidars in the provinces subject to the Lieutenant-Governor of Bengal²; It is enacted as follows:—

Definitions 1. The following words and expressions shall, in the construction of this Act, have the several meanings hereby assigned to them respectively, except where a different intention shall appear from the context (that is to say):—

“ District Magistrate.” the words³ [“ District Magistrate ”]⁴ shall mean the chief officer charged with the executive administration of a district in criminal matters, by whatsoever designation such officer is called :

* * * * *

“ Chaukidari chákaran lands.” the words “ chaukidari chákaran lands ” shall mean lands which may have been assigned, otherwise than under a temporary settlement, for the maintenance of the officer who may have been bound to keep watch in any village and report crime to the police, and in respect to which such officer may be at the time of the passing of this Act liable to render service to a zamindar :

¹ LEGISLATIVE PAPERS.—For Statements of Objects and Reasons—see Calcutta Gazette, 1870, p. 357; and for Proceedings in Council—see *ibid*, Suppl., pp. 53, 179, 305, 333, 349, 365 and 385.

LOCAL EXTENT.—This Act applies to Districts to which it is extended by order under s. 68—see that section, *post*.

The Act, with the amending Acts (Ben. Acts 1 of 1871, 1 of 1886 and 1 of 1892), has been extended by notification under the Scheduled Districts Act, 1874 (XIV of 1874), s. 5, to the Districts of Cachar, Goalpara and Sylhet, in Assam—see Vol. II, Appendix I, Table B.

The application of the Act is barred in the Lushai Hills, by notification—see Vol. II, Appendix II, Table D.

RULES AND ORDERS: ASSAM.—For rules under s. 65 of the present Act, see—the Assam Local Statutory Rules and Orders, Suppl., 1901, pp. 140 to 149.

Notification No. 2691-J., dated 12th March, 1906, in Eastern Bengal and Assam Gazette, 1906, Pt. II, p. 228;

Notification No. 7123-J., dated 25th June, 1906, in *ib.*, p. 626;

Notification No. 732-J., dated 26th February, 1907, in *ib.*, 1907, Pt. II, p. 270; and

Notification No. 1243-J., dated 27th March, 1907, in *ib.*, p. 389.

For orders as to rural police—see the Assam Police Manual, 1897, Vol. I, pp. 415 to 422, and Correction Slips thereto.

² Now the Chief Commissioner of Assam—see the “ Local Extent,” footnote *supra*.

³ The words “ District Magistrate ” were substituted for the words “ Magistrate of the District,” by the Bengal Village-chaukidari (Amendment) Act, 1892 (Ben. Act I of 1892), s. 2 (2), printed, *post*.

⁴ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

⁵ The definition of “ Magistrate ” was repealed by the Bengal Village-chaukidari (Amendment) Act, 1892 (Ben. Act I of 1892), s. 2 (2), and is omitted.

the word "zamindar" shall mean the person whose name is registered in "Zamindar" the general register of estates paying revenue directly to Government as the proprietor of an estate so paying revenue, or the person whose name is registered in the general register of rent-free tenures as proprietor of a rent-free tenure

2. ¹ Section 21, Regulation 20 of 1817, ² is hereby repealed ³ as to all villages to which this Act may apply

Repeal of
portion of
Regulation
20 of 1817
repeal of
Regulation
I of 1883

3. ⁴The District Magistrate⁵ may,—

Appointment
of pan-
chayats

(1) by an order in writing, appoint not less than three nor more than five residents in any village within the district of which he has charge to be the panchayat thereof, or

(2) he may, with the previous sanction of the Local Government direct that the adult male rate-paying residents of any village shall select, according to any rules that may be prescribed by the Local Government and published in the Calcutta Gazette⁶, not less than three nor more than five residents of the village to be the panchayat thereof, and the District Magistrate⁵ shall, if he approves of the person so selected, appoint such persons to be the panchayat, but if in his opinion, any person so selected is, for reasons to be recorded by him in writing, unfit to be a member of the panchayat, the District Magistrate⁵ shall appoint a fit and proper resident to be a member of the panchayat

Provided that no panchayat shall be appointed in any place to which the Bengal Municipal Act, 1884,⁷ has been, or may hereafter be, extended

Provided also that the Local Government shall be entitled to prescribe that in certain specified local areas, to be notified in the Calcutta Gazette,⁶ the number of persons to be appointed to discharge the duties of a panchayat may be reduced to one

¹ In the Districts of Sylhet and Cachar, for s 21, Regulation XX of 1817, read The Sylhet and Cachar Rural Police Regulation 1883 (I of 1883)—see Notification No 2295 J dated 7th June, 1897 in Vol II, Appendix I, Table B Regulation I of 1883 is printed *ante*

² The Bengal Police Regulation, 1817 It has been repealed in Assam by the Repealing and Amending Act, 1897 (V of 1897)

³ This repeal did not take effect in any village or union until a chaukidar had been appointed thereon under the provisions of this Act—see the Bengal Village chaukidari Act, 1871 (Ben Act I of 1871), s 1, *post*

⁴ This section was substituted for the former s 3 by the Bengal Village chaukidari (Amendment) Act, 1892 (Ben. Act I of 1892), s 3, printed, *post*.

⁵ In Assam the Deputy Commissioner—see the Assam Local Statutory Rules and Orders Suppl., 1901, p 12

⁶ Now the Assam Gazette—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s 3, and Sch D, Pt III *ante*

⁷ Printed *post*

Delegation of powers by the District Magistrate.

¹ 3A. The District Magistrate ² may, from time to time, by an order in writing, with the sanction of the Commissioner, delegate his powers under this Act, either wholly or in part, to any Magistrate of the first class subordinate to him, or to any Magistrate in charge of a sub-division or to the District Superintendent of Police; and, by a like order, and with the same sanction, may withdraw such delegated powers.

Power to define a village.

³ 4. The District Magistrate ² may, from time to time, by an order in writing under his hand, declare any local area or group of dwellings, within the district of which he has charge, to be a village for the purposes of this Act.

Power to appoint panchayat on application of villages.

5. Whenever the majority in number of the adult male residents in any village * * * ⁴ shall, by a writing signed by them, apply to the ⁵ [District Magistrate] ² for the appointment of a panchayat in such village * * ⁶ it shall be lawful for him to appoint a panchayat under this Act in such village * * ⁶ without regard to the number of houses therein contained, and all the provisions of this Act shall apply to such panchayat and to such village * * ⁶.

Succession of member of panchayat.

⁷ 6. Whenever any member of a panchayat shall die or cease to be a member of such panchayat, the ⁸ [District Magistrate] ² shall, by writing under his hand, call on the remaining members of the panchayat to nominate within thirty days a fit and proper person to be appointed as member of the panchayat in the room of such member so dying or ceasing to be a member, and the ⁸ [District Magistrate] ² shall, unless he considers such nomination improper, appoint the person so nominated to be a member of the panchayat:

Provided that if no person shall have been so nominated, or if in the opinion of the ⁸ [District Magistrate] ² the person nominated is, for reasons

¹ S. 3A was inserted by the Bengal Village-chaukidari (Amendment) Act, 1892 (Ben. Act I of 1892), s. 4, printed, *post*.

² In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

³ This section was substituted for the original s. 4 by the Bengal Village-chaukidari (Amendment) Act, 1892 (Ben. Act I of 1892), s. 5, printed, *post*. The original s. 4 ran as follows:—

“4. If two or more villages containing together not less than eighty houses are so situate that some house in one of such villages is situate within one mile of some house in each of the others, it shall be lawful for the Magistrate to form such villages into a union; and, for the purposes of this Act, such union shall be deemed to be a village.”

⁴ The words “or in two or more villages so situate as in s. 4 is set forth” were repealed by s. 6 of the same Act, and are omitted.

⁵ The words “District Magistrate” in s. 5 were substituted for the words “Magistrate of the District” by the Bengal Village-chaukidari (Amendment) Act, 1892 (Ben. Act I of 1892), s. 2 (2), printed, *post*.

⁶ The words “or villages” in s. 5 were repealed by the Bengal Village-chaukidari (Amendment) Act, 1892 (Ben. Act I of 1892), s. 6, and are omitted.

⁷ This section was substituted for the original s. 6 by the Bengal Village-chaukidari (Amendment) Act, 1886 (Ben. Act I of 1886), s. 3, printed, *post*. The original s. 6 ran as follows:—

“6 Whenever any member of a panchayat shall die or cease to be a member of such panchayat, the Magistrate of the District shall, by a sanad under his hand and seal, appoint some other person to be a member of such panchayat in the place or stead of the person so dying or ceasing to be a member.”

⁸ The words “District Magistrate” in ss. 6 and 8 were substituted for the word “Magistrate” by the Bengal Village-chaukidari (Amendment) Act, 1892 (Ben. Act I of 1892), s. 2 (2), printed, *post*.

to be recorded by him in writing, unfit to be appointed a member of the panchayat, the ¹ [District Magistrate] ² shall appoint a fit and proper person to be a member of the panchayat

7. No person shall be appointed to be a member of a panchayat under this Act unless he be a resident in such village or the proprietor or holder of land therein or his local agent Qualification of members of panchayat

Provided that such proprietor or local agent shall not be so appointed unless he be resident within one mile from some part of such village

8. If any person, appointed to be a member of a panchayat, shall refuse to undertake the office, or wilfully omit to perform the duties thereof, and shall not within ³ [thirty days] from the date of his appointment, or from such omission, show grounds to the satisfaction of the ¹ [District Magistrate] ² for such refusal or omission he shall be liable to a fine which may extend to fifty rupees Penalty on refusing to act as member of panchayat

Provided that every person who shall have paid any fine under the provisions of this section shall thereupon cease to be a member of the panchayat, and shall not be liable to be re-appointed a member of panchayat for the space of ⁴ [three years] from the day of the payment of such fine

⁵ 9. Every member of a panchayat appointed under section 3 shall be appointed for the term of three years Period for which panchayat to be appointed

Every member of a panchayat, appointed under section 6, shall be appointed only for a term equal to the unexpired portion of the term for which the member whom he succeeds was appointed

⁶ 9A. No member of a panchayat, after the expiry of his term of office, shall be again appointed a member of a panchayat, without his consent, till after the lapse of three years Exemption from serving on panchayat

⁶ 9B. On the expiry of the term for which the members of a panchayat were appointed, the ¹ [District Magistrate] ² shall appoint a new panchayat in the manner prescribed in section 3, the outgoing panchayat continuing Appointment of fresh panchayat

¹ The words "District Magistrate" in ss 6 and 8 were substituted for the word "Magistrate" by the Bengal Village Chaukidari (Amendment) Act, 1892 (Ben. Act I of 1892), s 2 (2), printed, *post*

² See footnote ² on prepage

³ "fifteen days" by the Act, 1892, s 4, printed, *post*

⁴ "years" by the Ben. Act

member of any panchayat to retire from such panchayat, and the person so retiring shall not without his own consent be appointed to serve on such panchayat until after the expiry of two years from the date of such his retirement

"Magistrate" by the Ben. Act I

of 1892), s 2 (2), printed, *post*

to exercise all the functions of a panchayat until such new panchayat has been appointed.

Power to remove members. Numbers of chaukidars to be determined by the District Magistrate. The District Magistrate to determine salaries of chaukidars.

¹⁰ It shall be lawful for the ¹ [District Magistrate], ² by an order in writing signed by him, to remove or discharge any member of a panchayat.

¹¹ The District Magistrate ² shall determine the number of chaukidars to be employed in a village :

Provided that, without the sanction of the Commissioner, there shall not be more than one chaukidar for every sixty houses.

¹² The salaries of chaukidars appointed shall be determined by the District Magistrate² :

Provided that such salaries shall not be less than two nor more than six rupees *per mensem*.

Salaries to be provided by assessment.

¹³ The panchayat shall impose an assessment yearly in each village equal to the amount required for the pay and equipment of the chaukidars, together with fifteen *per cent* above such amount in order to provide for payment of the expenses of collection and losses from the non-realization of the rate from defaulters.

Persons liable to assessment.

¹⁴ All owners or occupiers of houses in any village, and any person who has within such village a *cuteherry* for collecting rents, shall be liable to assessment for the purposes of this Act.

Nature and amount of assessment.

¹⁵ The rate to be levied in any village for the purposes of this Act shall be an assessment according to the circumstances and the property to be protected of the persons liable to the same :

¹ The words "District Magistrate" in ss. 9 B and 10 were substituted for the words "Magistrate of the District" by the Bengal Village chaukidari (Amendment) Act, 1892 (Ben. Act I of 1892), s. 2 (2), printed, *post*.

² In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

³ This section was substituted for the original s. 11 by the Bengal Village-chaukidari (Amendment) Act, 1892 (Ben. Act I of 1892), s. 7, printed, *post*. The original s. 11 ran as follows :—

" 11. The panchayat shall determine the number of chaukidars to be employed in a village :
Provided that there shall be at least two chaukidars appointed in every village in which there are one hundred and fifty houses, and one additional chaukidar for every complete number of one hundred houses beyond such number of one-hundred and fifty."

⁴ This section was substituted for the original s. 12 by the Bengal Village-chaukidari (Amendment) Act, 1892 (Ben. Act I of 1892), s. 8, printed, *post*. The original s. 12 ran as follows :—

" 12. The panchayat shall from time to time determine the monthly salaries of the chaukidars to be appointed :
Provided that such salaries shall not be less than three nor more than six rupees per month."

⁵ This section was substituted for the original s. 13 by the Bengal Village-chaukidari (Amendment) Act, 1892 (Ben. Act I of 1892), s. 9, printed, *post*. The original s. 13 ran as follows :—

" 13. The panchayat shall raise in each village, by a yearly assessment, the amount required for the pay of the chaukidars, together with fifteen *per cent* above such amount in order to provide for payment of the expenses of collection and losses from the non-realization of the rate from defaulters."

⁶ This section was substituted for the original s. 14 by s. 10 of the same Act. The original s. 14 ran as follows :—

" 14. All owners or occupiers of houses in any village, and any zamindar who has within such village a *cuteherry* for collecting rents, shall be liable to assessment for the purposes of this Act."

Provided that the amount to be assessed on any one person shall not be more than one rupee *per mensem*, and that all persons who, in the opinion of the panchayat, are too poor to pay half an anna a month shall be altogether exempt from assessment under this Act

16. The panchayat shall, two clear months ¹ before the first day of the year current in the village, make such assessment upon the several persons liable thereto, and shall enter the same in a list, which shall specify the name of each person liable to be assessed, the trade, business or other description of such person, and the amount payable monthly by such person, and such list shall be by them published in some conspicuous part of the village at least fifteen days before the expiry of the said two months

Time and form of assessment

17. The panchayat may, instead of making a new assessment, revise or continue the assessment of the current year, and the assessment so revised or continued shall be in like manner published

Power to continue former assessment

18. Every assessment so made, revised or continued shall commence and take effect upon the first day of the year current in the village next ensuing the date of publication thereof, and shall remain in force for one year, and until some other assessment properly made or revised under the provisions of this Act shall commence and take effect

Duration of assessment

19. Any person dissatisfied with the amount at which he has been assessed may, within one month after any publication of any assessment, apply to the panchayat, either orally or in writing, for a revision of the assessment, and the panchayat may confirm the assessment or amend the same

Power to review assessment

20. No appeal, as of right, shall lie from any order passed by a panchayat as regards the revision of any assessment, but the ²[District Magistrate]³ may call for the general list of assessment in any village, and shall so call for such list on the application of ten rate-payers in such village, and may pass such orders on any list so called for as he may think proper

District Magistrate may revise assessment

21. Every rate to be payable under this Act shall be payable by equal ⁴[quarterly] instalments, the instalment of rate on account of each ⁴[quarter] shall be due on the first day of such ⁴[quarter]

Rate payable quarterly in advance

22. Every panchayat shall appoint one of their number to receive and collect the rate, and to grant receipts for the same and to keep the accounts thereof, and it shall be lawful for the panchayat to permit the person so appointed to retain any sum not exceeding ⁵[ten per cent] of the amount collected by him to repay the costs of such collection

Allowance for collecting rate

¹ *post*
² In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12

³ The words 'quarterly' and 'quarter' in s. 21, were substituted for the words "monthly" and "month," with retrospective effect, by the Bengal Village chaukidari Act, 1871 (Ben Act I of 1871), s. 5, *post*

⁵ The words 'ten per cent' in s. 22 were substituted for the words "six per cent" by the Bengal Village chaukidari (Amendment) Act, 1886 (Ben Act I of 1886), s. 7, printed *post*

Constitution of chaukidari fund.

23. The proceeds of every assessment to be levied under this Act in any village, together with any sum which may become applicable to the purposes of this Act, shall constitute a fund, which shall be called Chaukidari Fund of such village.

Application of surplus.

24. If at the end of any year any surplus of the fund may remain unexpended, such surplus shall be carried to the credit of the Chaukidari Fund for the ensuing year, and the amount to be raised by assessment in such ensuing year may in such case be reduced by the amount of such surplus.

Payment of instalment to be made within seven days.

25. Every person liable to pay any sum assessed upon him under this Act shall, within seven days after the day upon which any instalment of rate may be payable by him, pay or tender such instalment to the person appointed by the panchayat to receive the same.

List of defaulters to be made out.

26. Immediately after the tenth day of each ¹ [quarter] the panchayat of every village, to which the provisions of this Act extend, shall prepare a list of the persons who may have failed to pay their respective instalments of the rate for such ¹ [quarter] showing the amount due from each of such defaulters, and shall publish such list in some conspicuous part of the village.

Power to distrain for rates.

27. The collecting member of the panchayat shall thereupon issue a writing in the form in Schedule A, signed by him, authorizing the chaukidar, or such other person as may be therein named, to levy by the distraint and sale of a sufficient portion of the moveable property of such defaulters, the amount of their respective arrears, together with sums equal to such arrears respectively by way of penalty.

Manner of executing distress.

28. The person so authorized shall seize such moveable property of such respective defaulters as he shall deem sufficient, and shall make an inventory of all moveable property so seized, and shall at the same time give notice by beat of drum of the time and place where such moveable property shall be sold.

Such time of sale shall be not less than two days nor more than five days from the time of the proclamation thereof.

Sale in execution of warrant.

29. In case any defaulter shall not, within the time specified by such notice, pay the amount of such arrears payable by him, together with an equal amount by way of penalty, the moveable property distrained, or such portion of it as may be necessary, shall be sold by public outcry at the place and time specified, and the proceeds shall be applied in discharge of such amount and penalty, and the surplus, if any, shall be returned to the person in possession of the moveable property at the time of the seizure.

Objections to levy how to be made.

30. Whenever any person whose name may have been included in any list of defaulters may dispute his liability to pay the amount mentioned in

¹ The word "quarter" in s. 26 was substituted for the word "month," with retrospective effect, by the Bengal Village-chaukidari Act, 1871 (Ben. Act I of 1871), s. 5, *post*.

such list or any portion thereof, he may apply to the ¹ [District Magistrate]² either orally or in writing stating the grounds of his objection, and the ¹[District Magistrate]² shall examine his objection and pass such order thereon as to him shall seem proper

31. Any property distrained under the provisions of section 28 shall remain in the custody of the chaukidar, or of some other person whom the panchayat may appoint in that behalf Custody of property distrained

32. All goods and chattels, except plough-cattle and tools and implements of trade or agriculture, found in or upon any house or land occupied by any defaulters, shall be deemed to be his property, and shall be liable to be distrained and sold for the recovery of the arrear What property may be distrained for rates

If the goods and chattels distrained belong to any person other than the defaulter, the defaulter shall be liable to indemnify the owner of such goods and chattels for any damage he may sustain by reason of such distress, or by reason of any payment he may make to avoid such distress or any sale under the same

33. No arrears of any rate payable under this Act shall be recovered by distress after the expiration of one year from the day on which the same shall have become due Distress to be levied after a year

34. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser on account of any defect or want of form in any list, assessment, notice, summons, power, writing inventory or other proceeding relating thereto nor shall such party be deemed a trespasser from the commencement on account of any irregularity afterwards committed by him, but all persons aggrieved by such irregularity may recover full satisfaction for any special damage sustained by them, in any Court of competent jurisdiction, subject to the provisions of section 63 of this Act Irregularities not to avoid distraint

35. (1) The panchayat shall, when a vacancy exists, nominate a person to be a chaukidar under this Act, and the District Magistrate ² shall, if satisfied with such nomination, appoint such nominee to be chaukidar Appointment and dismissal of chaukidar

Provided that if the panchayat fail to nominate within a reasonable time a person to be a chaukidar, or the District Magistrate ² is not satisfied with such nomination, the District Magistrate ² shall appoint any person he thinks fit to be a chaukidar

¹ The words " District Magistrate " in s. 30, were substituted for the word " Magistrate " by the Bengal Village chaukidari (Amendment) Act, 1892 (Ben. Act I of 1892), s. 2 (?), printed post

² In Assam the Deputy Commissioner—see the Assam Local Statutory Rules and Orders Suppl., 1901 p. 12

³ This section was substituted for the original s. 35 by the Bengal Village chaukidari (Amendment) Act 1892 (Ben. Act I of 1892), s. 11, printed post. The original s. 35 ran as follows—

" 35 The panchayat shall appoint the persons to be chaukidars under the Act, and may, from time to time with the sanction of the Magistrate, dismiss any such chaukidars "

(2) The District Magistrate,¹ or the panchayat with the sanction of the District Magistrate,¹ may, from time to time, dismiss any chaukidar so appointed.

36, 37. [*Appointment of chaukidars to be registered by police; power of Magistrate to dismiss chaukidars.*] *Rep. by the Bengal Village-chaukidari (Amendment) Act, 1892 (Ben. Act I of 1892), s. 12.*

Power to fine
chaukidars.

38. Every chaukidar who may be guilty of any wilful misconduct in his office, or neglect of his duty, such misconduct or neglect not being an offence within the meaning of the Indian Penal Code,² and not being of so grave a character as in the opinion of the ³ [District Magistrate]¹ to require his dismissal from his office, shall be liable to a fine which shall not exceed the amount of one month's salary. XLV

Duties of
chaukidars.

⁴ **39.** Every chaukidar appointed under the provisions of this Act shall perform the following duties:—

1st.—he shall give immediate information to the officer in charge of the police-station within the limits of which the village is situate of every unnatural, suspicious or sudden death which may occur, and of any offence specified in Schedule B which may be committed within his village, and he shall further keep the police informed of all disputes which are likely to lead to any riot or serious affray;

2nd.—he shall arrest all proclaimed offenders and any person who in his presence commits any offence specified in Schedule B, and any person against whom a hue-and-cry has been raised of his having been concerned in any such offence, whether such offence has been or is being committed within his village or outside of it, and shall, without delay, convey any person so arrested to the said police-station;

3rd.—he shall, to the best of his ability, prevent, and may interpose for the purpose of preventing, the commission of any offence specified in the said Schedule;

4th.—he shall assist private persons in making such arrests as they may lawfully make, and shall report such arrests without delay to the officer in charge of the said police-station;

5th.—he shall observe, and, from time to time, report to the officer afore-said the movements of all bad characters within his village;

6th.—he shall report to the officer in charge of such police-station the arrival of suspicious characters in the neighbourhood:

¹ In Assam, the Deputy Commissioner —see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

² Genl. Acts, Vol. I.

³ The words "District Magistrate" in s. 38 were substituted for the word "Magistrate" by the Bengal Village-chaukidari (Amendment) Act, 1892 (Ben. Act I of 1892), s. 2 (2), printed, 1904.

⁴ This section was substituted for the former s. 39 by the Bengal Village-chaukidari (Amendment) Act, 1892 (Ben. Act I of 1892), s. 13, printed, 1904.

7th—he shall report to the officer aforesaid, in a form signed by one member of the panchayat, the births and deaths, if any, which have occurred within his village at such intervals as the District Magistrate¹ may determine,

8th—he shall report to the officer aforesaid the death or absence for more than two consecutive months of any member of the panchayat,

9th—he shall supply any local information which the District Magistrate¹ or any officer of police may require,

10th—he shall obey the orders of the panchayat in regard to keeping watch within his village and other matters connected with his duties as chaukidar,

11th—he shall assist the person collecting the rate in making such collection

40. Whenever the chaukidar may arrest any person such chaukidar shall forthwith take the person so arrested to the police station within the limits of which such village is situate Procedure on arrest by chaukidars.

Provided that, if the arrest is made at night, such person shall be so taken, as soon as convenient, on the following morning

41. The panchayat shall exercise a general control over the chaukidars, and every member of such panchayat who may know or be informed of the commission within the village of any offence specified in Schedule B of this Act shall forthwith cause the same to be reported by the chaukidar to the officer in charge of the police station within the limits of which the village may be situate, and, on failure of the chaukidar such member shall himself report the same² [or cause the same to be reported] to such officer Control of chaukidars by panchayat

42. All fines and penalties levied under this Act shall be credited to District Chaukidari Reward Fund the control over which shall rest with the District Magistrate¹ Fines and penalties to be credited to District Chaukidari Reward Fund

43. Every chaukidar shall receive, quarter by quarter, the full amount of his salary from such officer⁵ [as the Local Government may, by rules made under this Act, prescribe or direct] Mode of paying chaukidars

¹ In Assam the Deputy Commissioner—see the Assam Local Statutory Rules and Orders Suppl. 1901 p. 12

² These words in square brackets in s. 41 were inserted by the Bengal Village chaukidari

end

—
Vil

end

—
from

Panchayat to pay or remit quarterly amounts for payments of chaukidars, etc.

¹ 44. Within thirty days after the end of each quarter, every panchayat shall pay or remit to such officer or person ² [as the Local Government may prescribe or direct] under the last foregoing section a sum equal to the pay of the chaukidar for the quarter, or any smaller amount which may stand to the credit of the Chaukidari Fund of the village.

Mode of realizing chaukidar's salary.

45. If it shall appear to the ³ [District Magistrate] that there is no money to the credit of the Village-chaukidari Fund, and that the panchayat shall not have taken sufficient steps to realize from defaulters the arrears due from them, the ³ [District Magistrate] ⁴ [may issue his warrant] for the realization of the chaukidar's pay from the members of the panchayat by distress and sale of their moveable property, and shall therein charge some person, therein named, with the execution thereof;

and upon such warrant such proceedings shall be had as hereinbefore directed to be had on any writing issued for the recovery of any arrears of the tax by this Act directed to be levied;

and the amount due to such chaukidar shall be paid to him out of the amount so levied, and the residue thereof, after payment thereof of all costs and expenses incurred in or about the execution of such warrant, shall be paid to the persons from whom such distress shall have been so levied.

⁵ [An application for the appointment of a tahsildar under section 46A shall not of itself be deemed a sufficient step to realize from defaulters the arrears due from them.]

Reimbursement of member of panchayat by whom salary is paid.

46. Any member of a panchayat, from or by whom any sum shall have been levied or paid under the provisions of the section last preceding, shall be reimbursed the amount so levied from or paid by him from any surplus of the Village-chaukidari Fund which may remain at the end of the year in which such sum shall have been so levied or paid.

¹ This section was substituted for the original s. 44 by the Bengal Village-chaukidari (Amendment) Act, 1886 (Ben. Act I of 1886), s. 11, printed, *post*. The original s. 44 ran as follows:—

“ 44. Whenever the salary of any month shall not be paid in full to any chaukidar on or before the 15th of the month following, such chaukidar may apply to the Magistrate who shall call upon the panchayat within ten days to show cause why they should not pay the amount due to such chaukidar.”

² These words in square brackets in s. 44 were substituted for the words “ as the Magistrate may appoint ” by the Bengal Village-chaukidari (Amendment) Act, 1892 (Ben. Act I of 1892), s. 16, printed *post*.

³ The words “ District Magistrate,” in s. 45, were substituted for the word “ Magistrate ” by the Bengal Village-chaukidari (Amendment) Act, 1892 (Ben. Act. I of 1892), s. 2 (2), printed, *post*. In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

⁴ The words “ may issue his warrant ” in s. 45 were substituted for the words “ shall issue his warrant ” by the Bengal Village-chaukidari (Amendment) Act, 1886 (Ben. Act I of 1886), s. 12, printed, *post*.

⁵ This paragraph was added to s. 45 by the Bengal Village-chaukidari (Amendment) Act, 1886 (Ben. Act I of 1886), s. 12, printed, *post*.

¹ 46A. The District Magistrate ² may at any time, on the application of the panchayat of any village, or of his own motion if, in his opinion, the collection of the rate is hadly carried out, or if the chaukidar is not regularly paid, appoint a tahsildar to assist the person collecting the rate, and such tahsildar shall exercise all the powers vested in the panchayat for the collection of the said rate; and the District Magistrate ² shall, on a like application, and he may of his own motion, revoke such appointment

³ 46B Every tahsildar appointed under the last foregoing section shall be remunerated at such rate and in such manner as the ⁴ [District Magistrate] ² may, from time to time, with the sanction of the Commissioner of the Division, prescribe, and such remuneration shall be levied from those who have failed to pay their chaukidari assessments in the same manner and in the same proportion as the chaukidari assessment

Provided that one tahsildar may, in the discretion of the ⁴ [District Magistrate] ² be appointed for more than one village

47 If it shall appear to the ⁴ [District Magistrate] ² that the deficiency of the funds to the credit of the Village chaukidari Fund has been caused by an erroneous assessment, the ⁴ [District Magistrate] ² shall call for the assessment and revise the same as he shall think proper, and shall remit the same to the panchayat, and such panchayat shall forthwith proceed to levy the sums respectively appearing to be due by each revised assessment

PART II ⁵

CHAUKIDARI CHÁKARÁN LANDS

48. All chaukidari chákaran lands before the passing of this Act assigned for the benefit of any village in which a panchayat shall be appointed shall be transferred in manner and subject as hereinafter mentioned to the zamindar of the estate or tenure within which may he situate such lands

revoke such appointment

² In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12

³ S. 46B was inserted by the Bengal Village chaukidari (Amendment) Act, 1886 (Ben. Act I of 1886), s. 13, printed *post*

⁴ The words "District Magistrate" in ss. 46B and 47 were substituted for the word "Magistrate" by the Bengal Village chaukidari (Amendment) Act, 1892 (Ben. Act I of 1892), s. 2 (²), printed *post*

Chaukidari
chákaran
lands to be
transferred
to zamín-
dars

Assessment to be fixed at one-half of value.

49. All lands so transferred shall be subject to an assessment which shall be fixed at one-half of the annual value of such land according to the average rates of letting land similar in quality in the neighbourhood of such land, and such assessment shall be made by the panchayat of the village.

Collector to make transfer.

50. Such assessment when made by the panchayat shall be submitted to the Collector of the district¹, and he or any other officer exercising the powers of a Collector by him thereunto appointed may approve, or revise and approve, the same (provided that it shall be lawful for the zamindar to contest the assessment before it is so approved), and after such approval the Collector of the district¹ shall, by an order under his hand in the form in Schedule C, transfer to such zamindar such land subject to the assessment so approved.

Effect of transfer.

51. Such order shall operate to transfer to such zamindar the land therein mentioned subject to the amount of assessment therein mentioned, and subject to all contracts theretofore made, in respect of, under, or by virtue of, which any person other than the zamindar may have any right to any land, portion of his estate, or tenure, in the place in which such land may be situate.

Assessment to be permanent charge on lands.

52. The amount of the assessment mentioned in such order shall be a permanent yearly charge on such land, and shall be payable to the collecting member of the panchayat yearly in advance on the first day of the year current in the village by the person for the time being entitled to recover the rents of such land from the occupier thereof.

Mode of realization.

53. Every such assessment shall be deemed to be a demand to be realized in the manner hereinafter provided.

Notice of arrear.

54. Whenever such assessment shall be in arrear for the space of fifteen days after it shall have become payable, the collecting member of the panchayat shall forward to the Collector of the district¹ in which the land so assessed is situate notice of the amount of such arrear and the name of the person liable to pay such assessment, in the form in Schedule D annexed to this Act.

Mode and effect of sale.

55. Immediately after the receipt of the said notice, the Collector¹ or other officer authorized to hold sales under the law for the time being in force for regulating sales of land for arrears of revenue shall proceed, without any preliminary notice for payment, to issue a notification for sale under section 6 of Act 11 of 1859,² passed by the Legislative Council of India ;

and, unless the arrears be paid within the time mentioned in such notification, shall sell such land according to the provisions of such law as if such land were an estate within the meaning of Act 7 of 1868² passed by the Lieutenant-Governor of Bengal in Council ;

and all provisions of the law for the time being in force with respect to the sale of such estates shall apply to the sale of such land, and every such

¹ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Supplt., 1901, p. 12.

² Act XI of 1859 and Ben. Act VII of 1868 have been repealed in Assam by the Assam Land and Revenue Regulation, 1886 (I of 1886). For provisions as to the recovery of arrears of revenue in Assam see Ch. V of that Regulation, printed *ante*.

sale shall have such and the same force and effect as if the same were a sale of an estate for arrears of its own revenue, and such land shall be held by the purchaser thereof subject to such assessment, but freed from all other charges and incumbrances save those to which he would have been liable if the said land had been an estate sold for arrears of its own revenue

56. Such Collector¹ shall, out of the proceeds of such sale, after defraying the costs of and attending such sale, pay to the collecting member of the panchayat, within one week after such sale shall have become final, the amount due for arrears of such assessment and pay the balance of such proceeds to the person named in the notice from the collecting member of the panchayat as the person liable to pay the assessment of such land

Application of proceeds of sale

57. When any land shall have been transferred to any zamindar under the provisions hereinbefore contained, the right to the performance of any services to any person by the occupier of such lands in respect of his occupation thereof shall wholly cease and determine

Right to service from occupier of transferred land to cease

58. In any district or part of a district in which may be situated lands before the passing of this Act assigned for the maintenance of an officer to keep watch in any village and to report crime to the police it shall be lawful for the Lieutenant Governor of Bengal², by an order to be published in the Calcutta Gazette,³ to appoint a commission, consisting of one or more persons, to ascertain and determine the chaukidari chakaran lands and other lands before the passing of this Act assigned for the maintenance of an officer to keep watch in any village and to report crime to the police in such district

Appointment of commission

59. Whenever in any district in which such commission shall have been appointed, any question shall arise whether any or what lands are chaukidari chakaran lands or other lands before the passing of this Act assigned for the maintenance of an officer to keep watch in any village and to report crime to the police, it shall be lawful for such commission to inquire into such question

Power to refer to commission question relating to chakaran land

60. In inquiring into such question the commission shall, as far as may be necessary for the purposes of this Act, exercise all such and the same powers as are conferred by Regulation 7 of 1822⁴ and the Regulations and Acts amending the same upon a Collector making a settlement of land revenue

Powers of commission

61. Such commission shall demarcate the boundaries of any lands which they may determine to be chaukidari chakaran lands or other lands before the passing of this Act assigned for the maintenance of an officer to keep watch in any village and to report crime to the police, and shall make orders under their hand setting forth the land which they shall have determined to be

Duties of commission and effect of their order

¹ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12

² In Assam the Chief Commissioner—see the Bengal Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III ante

³ In Assam, the Assam Gazette—see the Bengal, Bihar and Orissa and Assam Laws Act 1912 (VII of 1912) s. 3, and Sch. D Pt. III

⁴ The Bengal Land Revenue Settlement Regulation, 1822. It has been repealed in Assam by the Assam Land and Revenue Regulation, 1886 (I of 1886) and its application in the Lushai Hills is barred by notification—see Vol. II, Appendix II, Table D.

chaukidari chákárán lands or other lands as aforesaid, and the boundaries thereof, and the name of the village for the benefit of which such lands are assigned, and distinguishing whether such land be or be not chaukidari chákárán lands or other lands as aforesaid.

Every such order shall be final and conclusive respecting all matters hereinbefore required to be set forth in such order so far as the same shall be therein set forth.

PART III.

MISCELLANEOUS PROVISIONS.

Powers of the panchayat may be exercised by the District Magistrate.

¹ 62. All powers vested in the panchayat for the nomination and dismissal of chaukidars and for making the assessments hereinbefore directed to be made may, in case the panchayat, after a notice in writing from the District Magistrate² to exercise such powers, or any of them, refuse or, after the lapse of a reasonable time in that behalf, neglect forthwith to exercise the same be exercised by the District Magistrate.²

Indemnity clause.

63. No action shall be brought against the ³ [District Magistrate], ² nor against any panchayat, nor against any member thereof, nor against any of his or their officers, nor against any person acting under his or their direction, for anything done or professing or purporting to be done under this Act,

until the expiration of one month next after notice in writing shall have been delivered or left at the office of the ³ [District Magistrate]² and at the place of abode of such person, explicitly stating the cause of action, and the name and place of abode of the intended plaintiff ;

and, unless such notice be proved, the Court shall find for the defendant ;

and every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards ;

and, if any person to whom any such notice of action is given shall before action brought tender sufficient amends to the plaintiff, such plaintiff shall not recover.

¹ This section was substituted for the original s. 62 by the Bengal Village-chaukidari (Amendment) Act, 1892 (Ben. Act I of 1892), s. 18, printed, *post*. The original s. 62 ran as follows :—

“ 62. All powers vested in the panchayat for the appointment and dismissal of chaukidars, and for fixing the number of chaukidars to be appointed, and the rate of their pay, and for making and levying the assessments hereinbefore directed to be made, may be exercised by the Magistrate or any person whom the Magistrate may, by any writing under his hand, authorize in that behalf, in case the panchayat shall, for fifteen days after a notice from the Magistrate to exercise such powers or any of them, refuse or neglect to exercise the same.”

² In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12

³ The words “ District Magistrate ”, in s. 63, were substituted for the word “ Magistrate ” by the Bengal Village-chaukidari (Amendment) Act, 1892 (Ben. Act I of 1892), s. 2 (2), printed, *post*.

64. The Commissioner of Circuit shall have a general controlling power under all proceedings of panchayats * * 1 and 2 [District Magistrates]³ under this Act Control vested in Commissioner of Circuit

65. The Lieutenant-Governor of Bengal⁴ may, from time to time, frame rules for the guidance of the panchayats, for regulating the practice and procedure of any commission in trying or determining any question referred to them, and for any other purposes connected with this Act, and may, from time to time, alter, vary or revoke the same, and shall publish every such rule or alteration, variation or revocation of a rule in the Calcutta Gazette;⁵ and the rules for the time being in force shall, from their publication, have such and the same force and effect as if they were herein enacted Rules for guidance of panchayat

66. Nothing in this Act contained shall diminish or in any way affect any liability, duty or obligation of any zamindar, under any law in force at the time of the passing of this Act to report crimes or offences occurring within his estate or tenure Duty of zamindars to report crimes not affected

67. Nothing in the Act contained, save the provisions of sections 58, 59, 60 and 61, shall affect any lands before the passing of this Act assigned for the maintenance, in any village in which a panchayat may not be appointed, of an officer to keep watch in such village and to report crime to the police, and every such officer in such village shall be bound to perform the same duties, and shall have the same rights unto such lands, and may be removed and a successor to him appointed, as if this Act had not been passed Village watch where panchayat not appointed, not affected

68. This Act shall commence and take effect in those districts or subdivisions of districts in the Provinces subject to the Lieutenant-Governor of Bengal⁴ to which the said Lieutenant-Governor⁴ shall extend it by an order published in the Calcutta Gazette⁵, and thereupon this Act shall commence and take effect in the districts and subdivisions of districts named in such order on the day which shall be in such order provided for the commencement thereof Commencement

69. This Act may be called the Village chaukidari Act, 1870

Short title

SCHEDULE A

(referred to in section 27)

Form of Distraining Warrant

ACT 6 OF 1870

VILLAGE CHAUKIDARI FUND

On behalf of the panchayat of () Whereas the several persons

the Bengal Village-chaukidari

for the words 'Magistrates

³ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl. 1901, p. 12

chaukidar
appointed.

21, Regulation 20 of 1817,¹ in any village or union until a chaukidar shall have been appointed therein under the provisions of the said Act.

Panchayat
in certain
cases to make
assessment
within one
month.

2. Whenever a panchayat shall have been appointed in any village, the Magistrate may direct that such panchayat shall, within one month after their appointment, make an assessment for the residue of the year according to the year current in the village upon the persons liable to the payment of the chaukidari rate in such village, and shall enter the same in a list containing the particulars required to be set forth in the list mentioned in section 16 of the said Act.

Such list shall, on its completion, be forthwith published in some conspicuous part of the said village.

Commence-
ment of
assessment.
Effect of
assessment.

3. Every assessment so made shall commence and take effect upon the expiration of fifteen days from the publication of such list.

4. Every such assessment shall be deemed to be an assessment made in pursuance of the provisions of the said Act, and the amounts thereby assessed may be collected and enforced accordingly.

Rate pay-
able quar-
terly instead
of monthly.

5. In section 21 of the said Act 6 of 1870,² the word "quarterly" shall be substituted for the word "monthly;" and in sections 21 and 26 the word "quarter" shall be substituted for the word "month" wherever such word occurs in the said sections; and the said sections shall be read and construed as if the words hereby directed to be substituted had been originally inserted in place of the words for which they are hereby respectively directed to be substituted.

6. [New clause substituted in section 39 of Ben. Act 6 of 1870.] Rep. by the Repealing and Amending Act, 1897 (5 of 1897).

Construction.

7. This Act shall be read with, and as part of, the said Act 6 of 1870².

BENGAL ACT, 4, 1873.

(THE BENGAL BIRTHS AND DEATHS REGISTRATION ACT, 1873.)³

[2nd July, 1873.]

An Act for registering Births and Deaths.

amble.

WHEREAS it is expedient to provide the means for a complete register of births and deaths; It is hereby enacted as follows:—

er to
rect

1. The Lieutenant-Governor⁴ may at any time, by a notification

¹ The Bengal Police Regulation, 1817. It has been repealed in Assam by the Repealing and Amending Act, 1897 (V of 1897).

² The Village-chaukidari Act, 1870 (Ben. Act. VI of 1870). It is printed *ante*.

³ SHORT TITLE.—This short title was given by the Repealing and Amending Act, 1903 (I of 1903), Sch. I—*see ante*.

LEGISLATIVE PAPERS.—For Statement of Objects and Reasons, *see* Calcutta Gazette, 1873, Pt. IV, p. 370; and for Proceedings in Council. *see ibid*, Suppl., pp. 538, 562 and 691.

LOCAL EXTENT.—This Act contains no local extent clause; the former Province of Bengal included Assam.

The application of the Act is barred in the Lushai Hills, by notification—*see* Vol. II, Appendix II, Table D.

⁴ In Assam, the Chief Commissioner—*see* the Bengal Bihar and Orissa and Assam Laws Act 1912 (VII of 1912), s. 3, and Sch. D, Pt. III.

published in the Calcutta Gazette,¹ direct that all births and deaths, or all registration of births and deaths and define area
births, or all deaths, occurring within the limits of any area² after a certain date to be named in such notification shall be registered, and for that purpose may define the limits of such area

From and after such date this Act shall apply to the whole of the area so defined

2. The Magistrate of the district³ may, for the purpose of such registra- Magistrate may divide area into districts, and may appoint one or more persons to be registrars of births or of deaths, districts, and may appoint registrars
and of births and deaths, within such district and may at any time for sufficient reason dismiss any such registrar, and may fill up any vacancy in the office of registrar

The Magistrate³ shall cause to be published a list containing the name and Magistrate to publish list of registrars
place of office of every registrar in the area, and specifying the hours of the day during which such registrar shall attend at his office for the purpose of registration

3. Every registrar shall have an office within the district of which he is Every appointed registrar, and shall cause his name with the births (or of deaths or of births and deaths, according to his district
the district for which he is so appointed, and notice of the hours during which he will attend for the purpose of registration, to be affixed in some conspicuous place on or near the outer door of his office

4. The Magistrate³ shall cause to be prepared a sufficient number of Commis- sioners to have re- gister books prepared and numbered
register-books for making entries of all births or deaths or both, according to such forms as the Lieutenant Governor⁴ may from time to time sanction, and the pages of such books shall be numbered progressively from the beginning to the end, and every place of entry shall be also numbered progressively from the beginning to the end of the book and every entry shall be divided from the following entry by a line

5. Every registrar shall inform himself carefully of every birth, or of every Registrar to inform him self of, and register, births and deaths
death, or of both, according to his appointment, which shall happen in his district, and shall register, as soon as conveniently may be after the event, without fee or reward the particulars required to be registered, according to the forms mentioned in the last preceding section, touching every such birth

¹ In Assam the Assam Gazette—see the Bengal Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3 and Sch. D, Pt. III

² For notifications directing the registration of births and deaths in areas in Assam, see—

(i) the Assam Local Statutory Rules and Orders, 1893, pp. 282 to 286, and Correction Slips Nos. 338 and 348.

(ii) *ibid.*, Suppl. 1901, pp. 150 to 152 and Correction Slip No. 40

(iii) Notfn. No. 5223 J, dated 21st May, 1906, in E. B. and A. Gazette, 1906, Pt. II, p. 472, and

(iv) Notfn. No. 6399 J, dated 11th June, 1906, in *ibid.*, p. 551

³ Now, in Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12

⁴ In Assam the Chief Commissioner—see the Bengal Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III *ante*

or every such death, as the case may be which shall not have been already registered.

Chaukidar to obtain particulars and to report to registrar.

6. Every chaukidar or other village-watchman in any area to which this Act shall apply, or, where there is no chaukidar or other village-watchman, such person as the Magistrate¹ may appoint, shall be required to report every birth or death occurring within his beat to such registrar and at such periods as the Magistrate¹ may direct.

He shall obtain in writing, if possible, and if it is impossible for him to obtain in writing he shall obtain verbally, from any person who is bound to give information of the birth or death, all particulars which are required to be known and registered, and he shall report such particulars to the registrar.

Penalty for neglect.

Any chaukidar or other village-watchman or other person so appointed who wilfully or negligently refuses or omits to produce such writing, if any, or to report such birth or death, shall be punishable at the discretion of the Magistrate¹ with fine which may extend to two rupees.

Persons bound to give information of birth.

7. The father or mother of every child born within such area, or in case of the death, illness, absence or inability of the father and mother, the midwife assisting at the birth of such child, shall, within eight days next after the day of every such birth, give information, either personally or in writing, to the registrar of the district, or by means of the chaukidar or other village-watchman or other person as provided in the last preceding section, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the birth of such child.

Penalty for neglect.

Any person who refuses or neglects to give any information which it is his duty to give under this section, shall be punishable, at the discretion of the Magistrate¹, with fine which may extend to five rupees :

Provided that not more than one person shall be punishable at the discretion of the Magistrate¹ for such refusal or neglect to give information.

Persons bound to give information of death.

8. The nearest male relative of the deceased present at the death, or in attendance during the last illness of any person dying, within such area, or, in the absence of any such relative, the occupier of the house, or, if the occupier be the person who shall have died, some male inmate of the house in which such death shall have happened, shall, within eight days next after the day of such death, give information either personally or in writing to the registrar of the district, ² or by means of the chaukidar or other village-watchman or other person as provided in section 6, according to the best of his knowledge

¹ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

² Or any sub-registrar appointed for a burning-ghat or burial ground—see the Bengal Municipal Act, 1876 (Ben. Act V of 1876), s. 297, and the Bengal Municipal Act, 1884 (Ben. Act III of 1884), s. 348, *post*.

As to duty of medical officer in charge of hospital to give notice of death, see the Bengal Municipal Act, 1876 (Ben. Act V of 1876), s. 298, and the Bengal Municipal Act, 1884 (Ben. Act III of 1884), s. 349, *post*.

and belief, of the several particulars hereby required to be known and registered touching the death of such person

Provided that no person shall be bound to give the name of any female relative

Any person who refuses or neglects to give any information, which it is his duty to give under this section, shall be punishable at the discretion of the Magistrate with fine which may extend to five rupees Penalty for neglect

Provided that not more than one person shall be punishable for such refusal or neglect to give information

9. Any registrar¹ who refuses or neglects to register any birth or death occurring within his district which he is bound to register, within a reasonable time after he shall have been duly informed thereof, or demands or accepts any fee or reward or other gratification as a consideration for making such registry, shall be punishable, at the discretion of the Magistrate with fine which may extend to fifty rupees for each such refusal or neglect Penalty for registrar refusing to register

10. Whoever wilfully makes or causes to be made for the purpose of being inserted in any register of births or deaths any false statement touching any of the particulars required to be known and registered, shall be punishable, at the discretion of the Magistrate, with a fine not exceeding fifty rupees Penalty for wilfully giving false information

11. In any place to which the District Municipal Improvement Act² shall have been extended the Municipal Commissioners may if at a meeting specially convened for considering such question they shall so determine, arrange for keeping a register of all births or of all deaths or of all births and deaths, occurring within the municipality Municipality under Ben Act III of 1864 may arrange for keeping register of births or deaths or both

On and after a date to be fixed at such meeting, the Commissioners shall in such case be authorised to provide out of the municipal fund for the employment of a sufficient number of registrars and for the expenditure necessary for the maintenance of such registers and shall exercise all the powers of a Magistrate under this Act, and all the provisions of this Act shall be deemed to apply to such place

12. The Magistrate of a District³ may depute any subordinate Magistrate to exercise the powers and to perform the duties vested in the Magistrate by this Act within such district or any part thereof Magistrate may depute subordinate Magistrate to discharge his functions

BENGAL ACT 1 OF 1876.

(THE BENGAL MUHAMMADAN MARRIAGES AND DIVORCES REGISTRATION ACT,
1876.)

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BENGAL ACT 1 OF 1876

(THE BENGAL MUHAMMADAN MARRIAGES AND DIVORCES REGISTRATION ACT, 1876) ¹

[19th January, 1876]

An Act to provide for the voluntary registration of Muhammadan Marriages and Divorces

WHEREAS it is expedient to provide for the voluntary registration of marriages and divorces among Muhammadans, It is enacted as follows —

1. This Act shall commence and take effect in those districts in the provinces subject to the Lieutenant-Governor of Bengal to which the said Lieutenant-Governor ² shall extend it by an order published in the Calcutta Gazette³, and thereupon this Act shall commence and take effect in the districts named in such order, on the day which shall be in such order provided for the commencement thereof

2. In this Act, unless there be something repugnant in the subject or context,—

"Muhammadan Registrar" means any person who is duly authorized under this Act to register marriages and divorces

"Inspector-General of Registration" and "Registrar" respectively mean the officers so designated and appointed under the Indian Registration Act, 1871,⁴ or other law for the time being in force for the registration of documents:

"district" means a district formed under the provisions of the Indian Registration Act, 1871.⁴

"parda-nishin" means a woman who, according to the custom of the country, might reasonably object to appear in a public office

¹ SHORT TITLE.—This short title was given by the Repealing and Amending Act, 1903

(1903) Sch. I—see ante

namely —

Cachar, Darrang, Goalpara, Kamrup, Lakhimpur, Nowgong, Sibsagar and Sylhet—see Table B

Assam Local Statutory Rules and Manual, 1894, pp. 127-134), and 3rd June, 1907, in E. B. and A.

and Orissa and Assam Laws

and Orissa and Assam Laws Act,

Indian Registration Act, 1877 (III of 1877), which has been repealed and re-enacted by the Indian Registration Act, 1908 (XVI of 1908), Genl. Acts, Vol. VI

Lieutenant-Governor may grant licenses to register.

3. It shall be lawful for the Lieutenant-Governor¹ to grant a license to any person, being a Muhammadan, authorizing him to register Muhammadan marriages and divorces which have been effected within certain specified limits, on application being made to him for such registration; and in like manner it shall be lawful for the said Lieutenant-Governor¹ to revoke or suspend such license:

Provided that no more than two persons shall be licensed to exercise the said functions within the same limits: and provided further that, when two persons are so licensed to act within the same limits, the one shall be a member of the Sunni, and the other of the Shia, sect.

Muhammadan Registrars to use seals. Government to provide seal and books

4. Every Muhammadan Registrar shall use a seal bearing the following inscription in the Persian character and language: "The seal of the Muhammadan Registrar of ."

5. The Lieutenant-Governor¹ shall supply for the office of every Muhammadan Registrar the seal and the books necessary for the purposes of this Act.

The pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

Muhammadan Registrar to keep registers.

6. Every Muhammadan Registrar shall keep up the following registers:—

Book I.—Register of marriages, in the form A contained in the schedule to this Act.

Book II.—Register of divorces other than those of the kind known as *Khula*, in the form B contained in the Schedule to this Act.

Book III.—Register of divorces of the kind known as *Khula*, in the form C contained in the Schedule to this Act.

Entries to be numbered.

7. All entries in each register prescribed by the last preceding section shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

Applications by whom to be made.

8. Every application for registration under this Act shall be made to the Muhammadan Registrar orally as follows:—

if the application be for the registration of a marriage—

by the parties to the marriage jointly: provided that if the man, or the woman, or both, be minors, application shall be made on their behalf by their respective lawful guardians: and provided further that, if the woman be a *parda-nishin*, such application may be made on her behalf by her duly authorized *vakil*;

if the application be for registration of a divorce other than of the kind known as Khula—

by the man who has effected the divorce;

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III *ante*.

if the application be for the registration of a divorce of the kind known as Khula—

by the parties to the divorce jointly provided that, if the woman be a parda-nishin, such application may be made on her behalf by her duly authorized vakil.

9. On application being made to a Muhammadan Registrar for registration under this Act to a marriage or divorce within one month of the marriage or divorce being effected, and not otherwise, and on payment to him of a fee of one rupee, the Muhammadan Registrar shall—

Duties of
Muham-
madan
Registrar on
application

- (a) satisfy himself whether or not such marriage or divorce was effected by the person or persons by whom it is represented to have been effected,
- (b) satisfy himself as to the identity of the persons appearing before him and alleging that the marriage or divorce has been effected,
- (c) in the case of any person appearing as representative of the man or woman (whether he appear as guardian or vakil) satisfy himself of the right of such person to appear

If the Muhammadan Registrar be satisfied on the above points and not otherwise, he shall make an entry of the marriage or divorce in the proper register

Provided that no such entry shall be made otherwise than in the presence of every person who, by section 11 of this Act, is required to sign such entry

10. Nothing in the preceding section shall be held to prohibit a Muhammadan Registrar from receiving a gratuity in excess of the prescribed fee of one rupee, when such gratuity is voluntarily tendered

Muham-
madan
Registrar
may receive
gratuity

11. Every entry in a register kept under this Act shall be signed as follows —

Entries by
whom to be
signed

if the entry be of a marriage in a register in the form A contained in the Schedule to this Act,—

- (1) by the parties to the marriage, or, if either or both of them be minors, by their lawful guardians respectively provided that, if the woman be a parda nishin, the entry may be signed on her behalf by her duly authorized vakil,
- (2) by two witnesses who were present at the marriage ceremony,
- (3) in cases in which the woman is represented by a vakil— by two witnesses to the fact of the vakil having been duly authorized to represent her,
- (4) by the Muhammadan Registrar,

if the entry be of a divorce other than the kind known as Khula in a register in the form B contained in the Schedule to this Act—

- (1) by the man who has effected the divorce,
- (2) by the witness who identifies the man who has effected the divorce,

Lieutenant-Governor may grant licenses to register.

3. It shall be lawful for the Lieutenant-Governor¹ to grant a license to any person, being a Muhammadan, authorizing him to register Muhammadan marriages and divorces which have been effected within certain specified limits; on application being made to him for such registration; and in like manner it shall be lawful for the said Lieutenant-Governor¹ to revoke or suspend such license:

Provided that no more than two persons shall be licensed to exercise the said functions within the same limits: and provided further that, when two persons are so licensed to act within the same limits, the one shall be a member of the Sunni, and the other of the Shia, sect.

Muhammadan Registrars to use seals.

4. Every Muhammadan Registrar shall use a seal bearing the following inscription in the Persian character and language: "The seal of the Muhammadan Registrar of . . ."

Government to provide seal and books

5. The Lieutenant-Governor¹ shall supply for the office of every Muhammadan Registrar the seal and the books necessary for the purposes of this Act.

The pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

Muhammadan Registrar to keep registers.

6. Every Muhammadan Registrar shall keep up the following register-books:—

Book I.—Register of marriages, in the form A contained in the schedule to this Act.

Book II.—Register of divorces other than those of the kind known as *Khula*, in the form B contained in the Schedule to this Act.

Book III.—Register of divorces of the kind known as *Khula*, in the form C contained in the Schedule to this Act.

Entries to be numbered.

7. All entries in each register prescribed by the last preceding section shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

Applications by whom to be made.

8. Every application for registration under this Act shall be made to the Muhammadan Registrar orally as follows:—

if the application be for the registration of a marriage—

by the parties to the marriage jointly: provided that if the man, or the woman, or both, be minors, application shall be made on their behalf by their respective lawful guardians: and provided further that, if the woman be a *parda-nishin*, such application may be made on her behalf by her duly authorized *vakil*;

if the application be for registration of a divorce other than of the kind known as Khula—

by the man who has effected the divorce;

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III *ante*.

if the application be for the registration of a divorce of the kind known as Khula—

by the parties to the divorce jointly provided that if the woman be a parda-nishin, such application may be made on her behalf by her duly authorized vakil

9. On application being made to a Muhammadan Registrar for registration under this Act to a marriage or divorce within one month of the marriage or divorce being effected and not otherwise and on payment to him of a fee of one rupee, the Muhammadan Registrar shall—

Duties of Muhammadan Registrar on application

- (a) satisfy himself whether or not such marriage or divorce was effected by the person or persons by whom it is represented to have been effected,
- (b) satisfy himself as to the identity of the persons appearing before him and alleging that the marriage or divorce has been effected,
- (c) in the case of any person appearing as representative of the man or woman (whether he appear as guardian or vakil) satisfy himself of the right of such person to appear

If the Muhammadan Registrar be satisfied on the above points and not otherwise, he shall make an entry of the marriage or divorce in the proper register

Provided that no such entry shall be made otherwise than in the presence of every person who, by section 11 of this Act, is required to sign such entry

10. Nothing in the preceding section shall be held to prohibit a Muhammadan Registrar from receiving a gratuity in excess of the prescribed fee of one rupee, when such gratuity is voluntarily tendered

Muhammadan Registrar may receive gratuity

11. Every entry in a register kept under this Act shall be signed as follows:—

Entries by whom to be signed

if the entry be of a marriage in a register in the form A contained in the Schedule to this Act,—

- (1) by the parties to the marriage, or, if either or both of them be minors by their lawful guardians respectively provided that, if the woman be a parda nishin, the entry may be signed on her behalf by her duly authorized vakil,
- (2) by two witnesses who were present at the marriage ceremony
- (3) in cases in which the woman is represented by a vakil— by two witnesses to the fact of the vakil having been duly authorized to represent her,
- (4) by the Muhammadan Registrar,

if the entry be of a divorce other than the kind known as Khula in a register in the form B contained in the Schedule to this Act—

- (1) by the man who has effected the divorce,
- (2) by the witness who identifies the man who has effected the divorce,

(3) if the man be of the Shia sect—by two witnesses to the divorce being effected ;

(4) by the Muhammadan Registrar ;

if the entry be of a divorce of the kind known as Khula in a register in the form C contained in the Schedule to this Act—

(1) by the parties to the *Khula* : provided that, if the woman be a parda-nishin, the entry may be signed on her behalf by her duly authorized vakil ;

(2) by the person who identifies the man ;

(3) by the person who identifies the woman ;

(4) if the application for registration has been made by a vakil on behalf of the woman—by two witnesses to the fact of the vakil having been duly authorized to represent her ;

(5) if the man be of the Shia sect—by two witnesses to the divorce being effected ;

(6) by the Muhammadan Registrar.

12. On completion of the registration of any marriage or divorce, the Muhammadan Registrar shall deliver to each of the applicants for registration an attested copy of the entry ; and for such copy no charge shall be made.

13. In every office in which any register hereinbefore mentioned is kept, there shall be prepared a current index of the contents of such register ; and every entry in such index shall be made, so far as practicable, immediately after the Muhammadan Registrar has made an entry in any such register.

14. The index mentioned in the last preceding section shall contain the name, place of residence and father's name of each party to every marriage or divorce, and the date of registration.

It shall also contain such other particulars, and shall be prepared in such form, as the Lieutenant-Governor¹ may direct.

15. Subject to the previous payment of the fees prescribed, the index, whether it be in the office of the Muhammadan Registrar or of the registrar of the district, and the copies of entries in such index, which are filed in the office of the registrar of the district under the provisions of section 22 of this Act, shall be at all times open to inspection by any person applying to inspect the same ; and copies of entries in any of the registers, and of the certified copies of such entries, which are filed in the office of the registrar of the district under section 22 of this Act, shall be given to all persons applying for such copies.

Such copies shall be signed and sealed by the registrar of the district or by the Muhammadan Registrar, as the case may be.

16. Every registrar of a district and every Muhammadan Registrar shall, for the purposes of this Act, be entitled to levy the following fees :—

for every search or permission to search in any index or register under his charge—four annas :

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III *ante*.

Copies of entry to be given to parties.

Index to be kept.

Particulars to be shown in index.

Index may be inspected and copies of entries in registers taken.

Fees for searches and copies.

for every certified copy of any entry in a register other than the first copy referred to in section 12 of this Act—one rupee

17. Every Muhammadan Registrar shall perform the duties of his office under the superintendence and control of the registrar in whose district the office of such Muhammadan Registrar is situate

Muhamma
dan Regis
trars to be
subject to
control of
district
registrar

In the town of Calcutta every Muhammadan Registrar shall perform the duties of his office under the superintendence and control of the Inspector-General of Registration

Every Registrar and in the town of Calcutta, the Inspector General of Registration, shall have authority to issue (whether on complaint or other wise) any order consistent with this Act which he considers necessary in respect of any act or omission of any Muhammadan Registrar subordinate to him

18. The Inspector-General of Registration shall exercise a general superintendence over offices of all Muhammadan Registrars, and shall have power from time to time to frame rules, consistent with this Act, for the guidance of the said Muhammadan Registrars and the regulation of their offices generally

Inspector
General of
Registration
to exercise
general super
intendence

19. All rules framed in accordance with the last preceding section shall be submitted to the Lieutenant Governor¹ for approval, and after they have been approved, they shall be published in the official Gazette², and shall then have the same force as if they were inserted in this Act

Rules to be
approved by
Lieutenant
Governor and
published in
Gazette

20. Every Muhammadan Registrar refusing to register a marriage or divorce shall make an order of refusal, and record his reasons for such order in a book to be kept for that purpose

Refusal to
register to be
recorded.

21. An appeal shall lie against an order of a Muhammadan Registrar refusing to register a marriage or divorce, to the registrar to whom such Muhammadan Registrar is subordinate, if presented to such registrar within twenty days from the date of the order, and the registrar may reverse or alter such order, and the order passed by the registrar on appeal shall be final

Appeal
against
refusal to
register

22. Every Muhammadan Registrar shall, at the expiration of every month, send certified copies of all entries made by him during the month in the registers mentioned in section 6 of this Act, and also of the entries which have been made in the index referred to in sections 13 and 14 of this Act, to the registrar of the district within which such Muhammadan Registrar has been authorized to act, and the registrar, on receiving such copies, shall file them in his office

Copies of
entries to be
sent monthly
to registrar
of district

23. Every Muhammadan Registrar shall keep safely each register until the same shall be filled, and shall then, or earlier if he shall leave the district or cease to hold a license, make over the same to the registrar of the district for safe custody, or to such other person as the registrar may direct.

Registers to
be given up

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912, (VII of 1912), s. 3, and Sch. D, Pt. III ante

² In Assam, the Assam Gazette—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III

lieutenant-
governor
by pre-
scribed rules.

24. The Lieutenant-Governor¹ may from time to time prescribe such rules as he thinks fit, provided that such rules be not inconsistent with any provision of this Act,—

- (a) for determining the qualifications to be required from persons to whom licenses under section 3 of this Act may be granted ;
- (b) for regulating the attendance of Muhammadan Registrars at the celebration of marriages, and their remuneration for such attendance ;
- (c) for regulating the grant of copies by registrars and Muhammadan Registrars ;
- (d) for regulating the payment by the Muhammadan Registrars of the cost of the seals, forms of registers, stationery and any other articles which may be supplied to them by the Government ;
- (e) for regulating the application of the fees levied by registrars of districts and Muhammadan Registrars under Act ; and
- (f) for regulating such other matters as appear to the Lieutenant-Governor¹ necessary to effect the purposes of this Act.

The Lieutenant-Governor¹ may, from time to time, cancel or alter any such rules.

Muham-
dan
Registrar a
public officer.
being
a public
officer.

25. Every Muhammadan Registrar shall be, and be deemed to be, a public officer, and his duties under this Act shall be deemed to be public duties.

26. Nothing in this Act contained shall be construed to—

- (a) render invalid, merely by reason of its not having been registered, any Muhammadan marriage or divorce which would otherwise be valid ;
- (b) render valid, by reason of its having been registered, any Muhammadan marriage or divorce which would otherwise be invalid ;
- (c) authorize the attendance of any Muhammadan Registrar at the celebration of a marriage, except at the request of all the parties concerned ;
- (d) affect the religion or religious rites and usages of any of Her Majesty's subjects in India ;
- (e) prevent any person, who is unable to write, from putting his mark instead of the signature required by this Act.

SCHEDULE

(See sections 6 and 11).

FORM A. BOOK I.

Register of Marriages (as prescribed by section 6 of the Act for the voluntary registration of Muhammadan Marriages and Divorces).

1. Consecutive number.

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III *ante*.

2 Name of the bridegroom and that of his father, with their respective residences

3 Name of the bride and that of her father, with their respective residences

4 Whether the bride is a spinster, a widow or divorced by a former husband, and whether she is adult or otherwise

5 * Name of the guardian of the bridegroom (if the bridegroom be a minor) and that of the guardian's father with specification of the guardian's residence, and of the relationship in which he stands to the bridegroom

6 * Name of the guardian of the bride (if she be a minor) and that of his father, with specification of his residence, and the relationship in which he stands to the bride

7 † Name of the bride's wakil, and of his father, and their residences, with specification of the relationship in which the wakil stands to the bride

8 † Names of the witnesses to the due authorization of the bride's wakil with names of their fathers and residences and specification of the relationship in which they stand to the bride

9 Date on which the marriage was contracted,—to be given according to the English style and according to the era current in the district

10 Amount of dower

11 How much of the dower is mu'ajjal (prompt) and how much mu'wajjal (deferred)

12 Whether any portion of the dower was paid at the moment If so, how much

13 Whether any property was given in lieu of the whole or any portion of the dower, with specification of the same

14 Special conditions, if any

15 Names of village or town, police jurisdiction and district in which the marriage took place

16 Name of the person in whose house the marriage ceremony took place and that of his father

17 Date of registration,—to be given according to the English style

FORM B BOOK II

Register of Divorces other than those of the kind known as Khula (prescribed by section 6 of the Act for the voluntary registration of Muhammadan Marriages and Divorces)

1 Consecutive number

2 Names of the husband and of his father, and their residences

3 Names of the wife and of her father, and their residences

* These columns will be blank if the bride and bridegroom, respectively, are not represented by guardians

† These columns will be blank when the bride is not represented by a wakil

4. Date of divorce—according to the English style and according to the era current in the district.
5. Description of divorce.
6. Manner in which the divorce was effected.
7. Names of the village or town, police jurisdiction and district in which the divorce took place.
8. Name of the party in whose house the divorce took place, and of his father.
9. Names of witnesses to the divorce, if any, the names of their fathers and their respective residences.
10. Name of party identifying the husband before the Muhammadan Registrar and that of his father, and their residences.
11. Date of registration,—to be given according to the English style.

FORM C. BOOK III.

Register of Divorces of the kind known as Khula (prescribed by section 6 of the Act for the voluntary registration of Muhammadan Marriages and Divorces).

1. Consecutive number.
2. Name of the husband and that of his father, and their residences.
3. Name of the wife and that of her father, and their residences.
4. Date of *Khula*—according to the English style and according to the era current in the district.
5. Amount of dower.
6. Whether *Khula* was acknowledged by the wife in person before the Muhammadan Registrar.
7. If so, name of the party identifying her before the Muhammadan Registrar, and that of his father, and their residences, with specification of the relationship which he bears to her, if any.
8. *If the *Khula* be acknowledged before the Muhammadan Registrar by the wife's wakil, his name and that of his father and their residences, with specification of the relationship which the wakil bears to the wife, if any.
9. Names of the two witnesses to the due authorization of the wife's wakil and those of their fathers, with their residences.
10. Name of village or town, police-jurisdiction and district where the *Khula* took place.
11. Name of the person in whose house the *Khula* took place, and that of his father.
12. Names of the witnesses, if any, to the divorce being effected, the names of their fathers and their residences.
13. Name of the person identifying the husband, and that of his father and their residences.
14. Date of registration,—to be given in the English style.

* This column will be blank if the woman is not represented by a wakil.

BENGAL ACT 5 OF 1876

(THE BENGAL MUNICIPAL ACT, 1876)

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(ENACTMENTS REPEALED)

BENGAL ACT 5 OF 1876¹

(THE BENGAL MUNICIPAL ACT, 1876)

[21st June, 1876]

An Act to amend and consolidate the law relating to municipalities

WHEREAS it is expedient to consolidate and amend the law relating to Municipalities [within the territories subject to the Government of the Lieutenant-Governor of Bengal]² It is enacted as follows —

CHAPTER I²

PRELIMINARY

1. This Act may be called the Bengal Municipal Act, 1876,

¹ LEGISLATIVE PAPERS —For Statement of Objects and Reasons see Calcutta Gazette, 1875, Pt IV, p 249, for Report of Select Committee, see *ibid*, 1876, Pt IV, p 69, and for Proceedings in Council, see *ibid*, 1875, Suppl., pp 383, 587 and 683 and *ibid*, 1876, Suppl., pp 141, 187, 247, 271, 411, 429, 431, 463 and 495

LOCAL EXTENT —This Act has been extended to Assam by notification under the Scheduled Districts Act, 1874 (XIV of 1874), s 5—see Vol II Appendix I, Table B, but it applies only—

(1) to places in which certain prior Acts were in force—see s 3, *post*, and

(2) to towns and villages notified under s 8, *post*

Power to withdraw towns and villages from the operation of the Act is given by s 10

post Restrictions on the application of the Act to particular territory are imposed by ss 5 and 11, *post*

art VI (ss
nd Ch IV
the Local
cation—see

Vol II, Appendix II Table D

Ben Act V of 1876 has been repealed by the Bengal Municipal Act 1884 (Ben Act III of 1884—printed in Vol III of this Code)—in places in Assam to which the latter Act has been

t in Bengal and

and it shall come into force on such date as the Lieutenant-Governor may direct, not being more than three months after the date on which it may be published in the Calcutta Gazette with the assent of the Governor-General.

Enactments
repealed.

2. On the commencement of this Act, the enactments specified in the fifth Schedule shall be repealed to the extent mentioned in the third column thereof, and the enactment specified in the sixth Schedule shall cease to be in force in every municipality under this Act to the extent mentioned in the third column thereof.

But this repeal shall not revive any office, authority or thing abolished by any such enactment, or affect the validity of anything done or suffered, or any right, title, obligation or liability accrued, before the commencement of this Act.

And all rules and by-laws prescribed; assessments, valuations, measurements, divisions and appointments made; powers conferred, and notifications published under any such enactment; and all other rules (if any) now in force and relating to the matters hereinafter dealt with, shall (so far as they are consistent with this Act) be deemed to have been respectively prescribed, made, conferred and published hereunder.

And all references to any such enactment shall (so far as may be practicable) be deemed to be made to this Act.

And all proceedings now pending, which may have been commenced under any such enactment, shall be deemed to be commenced under this Act.

In reference to all the matters aforesaid,

the Commissioners under Chapter II shall, in respect of every municipality, be substituted for the late Commissioners, or town committee (as the case may be);

and the pancháyat under Chapter III shall, in respect of every union, be substituted for the pancháyat under Act 20 of 1856;¹

and the Commissioners under Chapter IV shall, in respect of every station, be substituted for the Commissioners under Act 26 of 1850.¹

First class
and second
class munici-
palities

3. Unless and until the Lieutenant-Governor² shall otherwise direct by a notification to be published in the Calcutta Gazette,³ every place in which the provisions of the District Municipal Improvement Act, 1864,¹ shall have been in force immediately before the commencement of this Act, shall, from the said commencement, become a first class municipality under Chapter II, and every place in which the provisions of the District Towns Act, 1868,¹ shall have been in force immediately before the commencement of this Act, shall, from the said commencement, become a second class municipality under the said Chapter;

Ben. Act III
of 1864.

Ben. Act VI
of 1868.

¹ These Acts have been repealed by s. 2 of this Act.

² In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III *ante*.

³ In Assam, the Assam Gazette—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III.

and every place in which Act 20 of 1856¹ shall have been in force immediately before the commencement of this Act shall, from the said commencement, become a union under Chapter III,

and every place in which Act 26 of 1850¹ shall have been in force immediately before the commencement of this Act shall, from the said commencement, become a station under Chapter IV

4. All property, moveable and immoveable, of any kind whatsoever, derived under any of the enactments specified in the fifth Schedule, or otherwise, and vested in or held in trust for the late Commissioners under the said District Municipal Improvement Act, 1864,¹ or the late Committee under the said District Towns Act, 1868,¹ shall become vested in the Commissioners under Chapter II and their successors, and all such property vested in, or held in trust for, the late Commissioners under Act 26 of 1850¹ shall become vested in the Commissioners of the station under Chapter IV and their successors

5. Notwithstanding anything contained in section 3, this Act shall not take effect in any cantonment without the consent of the Governor General in Council previously obtained, nor shall the Lieutenant-Governor² extend this Act, or any part thereof, to any cantonment without such consent

6. In this Act, unless there be something repugnant in the subject or context,—

(1) "carriage" means any wheeled vehicle, with springs, used for the conveyance of human beings and ordinarily drawn by animals

(2) "cart" means any cart, hackery or wheeled vehicle with or without springs, ordinarily drawn by animals, and not included in the definition of "carriage"

(3) "Chapter" means a Chapter of this Act

(4) "holding" includes any parcel of land, house, tank or other immoveable property which has been separately valued for assessment, or in respect of which any person has been separately assessed, or which, in the opinion of the Commissioners, should be separately valued, or in respect of which, in the opinion of the Commissioners, any person should be separately assessed

(5) "house" includes any hut, shop, warehouse or building

(6) "immoveable property" means land, benefits to arise out of land, houses, things attached to the earth, or permanently fastened to anything attached to the earth

(7) "land" means benefits to arise out of land, houses, things attached to the earth, or permanently fastened to anything attached to the earth

(8) "moveable property" means property other than immoveable property

¹ These Acts have been repealed by s. 2 of this Act

² In Assam, the Chief Commissioner—see the Bengal Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III ante

Provided that, at least six weeks before publishing any notification as aforesaid, the Lieutenant-Governor¹ shall cause to be published in the town or village concerned a notice of his intention to declare the said town or village to be a municipality, unless good reason to the contrary be shown within one month.

Any objections which may be made to the proposed measure shall be duly considered by the Lieutenant-Governor¹ before he causes to be issued the notification declaring the town or village to be a municipality under this Act.

Municipal-
ities.

9. From the date specified in any notification under the last preceding section, the town or village mentioned in such notification shall be deemed to be created a municipality for the purposes of this Act.

The notification shall—

(a) define the limits of the municipality ;

(b) declare whether the same shall, for the purposes of this Act, be a first or second class municipality.

Transfer of
class and
variation of
limits.

10. The Lieutenant-Governor¹ may, on the recommendation of the Commissioners at a meeting, or of his own motion, by like notification, at any time order that a municipality be transferred from one class to the other, and may vary the limits of any municipality or withdraw any town or village from the operation of this Act.

Condition on
which muni-
cipality may
be created.

11. Chapters I, II and V of this Act shall not be extended to any town or village, unless the Magistrate shall have certified to the Lieutenant-Governor¹ that three-fourths of the adult male population of such town or village are chiefly employed in pursuits other than agricultural ; and that such town or village contains a number of inhabitants not being less than three thousand and an average number of not less than one thousand inhabitants to the square mile of the area of such town or village.

Conditions on
which first
class muni-
cipality may be
created.

12. No town or village shall be declared to be a first class municipality unless the Magistrate shall have certified to the Lieutenant-Governor¹ that such town or village contains at least fifteen thousand inhabitants, and an average number of not less than two thousand inhabitants to the square mile of the area of such town or village.

Lieutenant-
Governor
may unite
places to a
municipality.

13. The Lieutenant-Governor¹ may from time to time, by notification in the Calcutta Gazette,² declare that any place in which three-fourths of the adult male population are chiefly employed in pursuits other than agricultural shall be united with any town or village as aforesaid for the purposes of forming a municipality of the first or second class, as the case may be : Provided that no such place shall be so united unless some part of such place

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III *ante*.

² In Assam, the Assam Gazette—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III.

be situated within the distance of one mile from some part of such town or village

Every such declaration shall specify the boundaries of every place so to be united,

Every town or village with which any such place is united, and all places so declared to be united with any such town or village, shall be deemed, for purposes of taxation, and for all other purposes, to form part of one and the same municipality

14. Notwithstanding anything hereinbefore contained, whenever the Lieutenant Governor¹ shall declare any place or places as aforesaid to be united with any town or village for the purpose of forming one municipality, the Lieutenant Governor¹ may similarly declare that any land by which any such place is separated from the town or village with which it is united and any land by which any such place is separated from any other such place which is united with the said town or village, shall be deemed to form part of the municipality for all purposes other than those of taxation

Land between municipality and place united to form part of municipality

And such declaration shall specify the exterior boundaries of the entire municipality as constituted under this and the last preceding section

PART II

OF THE MUNICIPAL AUTHORITIES

Of the Constitution of the Municipality

15. The Lieutenant Governor¹ shall from time to time appoint, in every municipality, proper persons to be Commissioners for carrying out the purposes of this Act

Appointment of Commissioners

Provided that the total number of Commissioners holding office in any first class municipality shall not at any time be less than seven or more than thirty, and in any second class municipality shall not at any time be less than four or more than twenty

Provided also that not more than one fourth of the whole number of Commissioners so appointed shall be persons holding in the judicial, police or revenue departments of the Government service salaried offices of which the functions are exercised within the district in which the municipality is situated, unless such persons be elected Commissioners under the next succeeding section

In case such whole number is not evenly divisible by four, the one-fourth shall be ascertained by taking the number next below the whole number which is evenly divisible by four, as the number to be divided

¹ In Assam the Chief Commissioner of Assam—see the Bengal Bihar and Orissa and Assam Laws Act 1912 (VII of 1912) s 3 and Sch D, Pt III ante

When Commissioner may be re-appointed or re-elected.

28. Any person who has resigned the office of Commissioner, or has retired therefrom under section 23, 24 or 27, or who has ceased to be a Commissioner in consequence of his failure to attend meetings as provided in section 22, may be at any time re-appointed or re-elected a Commissioner; but no person, removed by the Lieutenant-Governor¹ from his office under section 21, or who has ceased to be a Commissioner in consequence of being sentenced to imprisonment, may be elected or re-elected a Commissioner without the sanction of the Lieutenant-Governor.¹

Chairman of Commissioners.

29. Unless the Lieutenant-Governor¹ shall appoint any other person to be such Chairman, the Magistrate of the district,² if the municipality be within the sadar division, and the Magistrate in charge of the division of the district, if the municipality be situated within any other than the sadar division, shall be *ex-officio* Chairman of the Commissioners of the municipality.

The Magistrate of the district² may, with the sanction of the Commissioner of the division, delegate to any Magistrate subordinate to him at a sadar station any of the powers vested by this Act in him as the Chairman of the Commissioners of any municipality, and may withdraw such powers.

In the absence of the Magistrate of a division of the district, the Magistrate of the district² may appoint any Magistrate subordinate to him to officiate as Chairman of the Commissioners within such division.

Election of Vice-chairman.

30. The Commissioners at a meeting shall elect their own Vice-chairman, subject to the approval of the Lieutenant-Governor;¹ he shall hold office for one year from the beginning of the year next following his election, and shall be eligible for re-election for the following year:

The Vice-chairman, on election or re-election, shall be held to be appointed a Commissioner under this Act during his term of office.

The Vice-chairman may at any time be removed from the office of Vice-chairman by a resolution of the Commissioners, in favour of which not less than two-thirds of the Commissioners shall have given their votes either personally or in writing:

Provided that the Lieutenant-Governor¹ may sanction the election permanently, or for a term of years, of a salaried Vice-chairman, if proposed by the Commissioners at a meeting:

Provided also that the present salaried Vice-chairman of any municipality who has been appointed by the Lieutenant-Governor¹ under the provisions of any enactment hereby repealed shall continue to hold the office until he resigns or is removed with the sanction of the Lieutenant-Governor.¹

Commissioners incorporated.

31. The Commissioners shall, in the name of their Chairman, by the description of "The Chairman of the Municipal Commissioners of _____," be a body corporate, and have perpetual succession and a common seal, and in such name shall sue and be sued.

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III *ante*.

² In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

Such common seal shall have the name of
on in legible characters in the English language
of the district

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engraved there-
the vernacular

Of the Property and Contracts of the

32. All roads, bridges, embankments, tanks
channels and drains in any municipality (not being
being maintained by Government or at the public
which shall hereafter be made and the pavements,
thereof, and all erections, materials, implements
therefor, shall vest in and belong to the Commissioners

But the Lieutenant Governor may from time to time
exclude any road, bridge, embankment or drain from
Act, and may cancel such notification wholly or in part

Provided that if the cost of the construction of the
paid from the municipal fund, such work shall not be
operation of this Act without the consent of the Commis-

33. The Commissioners at a meeting may agree with
the property in any road, bridge, embankment, tank, ghat,
channel or drain is vested to take over the property thereon
agreement may declare by notice in writing put up thereon
that such road, bridge, embankment, tank, ghat, wharf, jetty,
drain has been transferred to the Commissioners

thereupon the property thereon shall vest in the Commissioners
road, bridge, embankment, tank, ghat, wharf, jetty, well, channel
shall thenceforth be repaired and maintained out of the municipal

34. Every hospital, dispensary, school, rest house, ghât and
being private property or the property of a religious institution
and all medicines, furniture and other articles appurtenant thereto,
such property, which at and after the commencement of this Act
found within any municipality, may, by order of the Lieutenant-Governor
duly published on the spot, be vested in the Commissioners of such
municipality, and thereupon all endowments or funds belonging thereto
transferred to, and vested in, such Commissioners as trustees for the purpose
to which such endowments and funds were lawfully applicable at the time
such transfer

Provided that no such order shall be published until one month after notice
of the intention to transfer such property shall have been published in the
Calcutta Gazette² and within the municipality in the vernacular language
of the district

Bengal, Bihar and Orissa and Assam
and Orissa and Assam Laws Act,

When Commissioner may be re-appointed or re-elected.

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Transfer to be conditional in certain cases.

Chairman of Commissioners.

Election of Vice-chairman.

Commissioners to meet ordinarily once a month ;

35.

as is in self

Commissioners at a meeting may purchase or take on lease any lands of this Act, and may sell, let or otherwise dispose of the same for such purposes.

Power to purchase, lease and sell lands.

The Lieutenant-Governor,¹ on the application of the Commissioners may, on being satisfied that the land is required for the purposes of this Act, may, on being satisfied that the Commissioners are in a position to pay for such land either at once or by instalments as the Lieutenant-Governor¹ may think proper, may, under the provisions of the Land Acquisition Act, 1870,² or any similar Act, acquire such land being in force for the acquisition of land for public purposes, and may cause such land to be acquired under the provisions of such Act; and, on payment by the Commissioners of the compensation awarded under such Act, the land shall be vested in them for the purposes of this Act.

The Commissioners shall be bound to pay to the Government the cost of such land which may be acquired for them on their application under the provisions of the last preceding section.

39. The Commissioners may enter into and perform any contract necessary for the purposes of this Act.

Every contract made on behalf of the Commissioners in a first class municipality in respect of any sum exceeding five hundred rupees, or which shall involve a value exceeding five hundred rupees, and every contract made on behalf of the Commissioners in a second class municipality in respect of any sum exceeding two hundred rupees, or which shall involve a value exceeding two hundred rupees, shall be sanctioned by the Commissioners at a meeting, and shall be in writing, and signed by at least two of the Commissioners, one of whom shall be the Chairman or Vice-Chairman, and shall be sealed with the common seal of the Commissioners.

Unless so executed, such contract shall not be binding on the Commissioners.

Of the Mode of transacting the Business of the Municipality.

40. The Commissioners shall meet for the transaction of business (if there be any business to be transacted) at their office, or at some other convenient

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III ante.

² Act X of 1870 has been repealed and re-enacted by Act I of 1894 (the Land Acquisition Act, 1894)—see Genl. Acts, Vol. IV.

place, at least once in every month, and as often as a meeting shall be called by the Chairman, or, in his absence, by the Vice chairman

If there shall be no business to be laid before the meeting at any monthly meeting, the Chairman shall, instead of calling the meeting, give notice of the same to each Commissioner three days before the date which is appointed for the monthly meeting

41. The Chairman, or, in his absence, the Vice-chairman, shall call a special meeting on a requisition signed by not less than three of the Commissioners and at other times on special requisition.

42. The Chairman, or, in his absence, the Vice chairman, shall preside at every meeting, and, in the absence of both the Chairman and Vice-chairman, the Commissioners shall choose some one of their number to preside Who to preside at meeting of the Commissioners

43. All questions which may come before the Commissioners at a meeting shall be decided by a majority of votes Questions to be decided by majority

In case of equality of votes, the President shall have a second or casting vote Casting vote.

44. No business shall be transacted at any meeting of the Commissioners unless such meeting has been called by the Chairman or Vice-chairman, and unless a quorum shall be present Quorum.

A quorum shall be in any municipality in which the Commissioners are more than fifteen, five,

in any other municipality, a number being not less than one-third of the entire number of Commissioners

Provided that it shall require two members at least to form a quorum

45. Minutes of the proceedings of all meetings of the Commissioners shall be entered in a book to be kept for the purpose, and shall be signed by the President of the meeting, and such book shall be open to the inspection of the tax-payers Minutes of proceedings.

46. The Chairman shall, for the transaction of the business connected with this Act, or for the purpose of making any order authorized thereby, exercise all the powers vested by this Act in the Commissioners Powers of Chairman

Provided that the Chairman shall not act in opposition to, or in contravention of, any order of the Commissioners at a meeting, or exercise any power which is directed to be exercised by the Commissioners at a meeting

47. The Chairman may, by a written order, delegate to the Vice-chairman all or any of the duties or powers of a Chairman as defined in this Act, subject to such restrictions as may seem fit to him, and may at any time by a written order withdraw the same Chairman may delegate his duties to Vice chairman

Provided that nothing done by the Vice-chairman which might have been done under the authority of a written order from the Chairman shall be invalid for want of or defect of such written order, if it be done with the express or implied consent of the Chairman

48. The Commissioners at a meeting shall from time to time decide whether a paid secretary, engineer or health officer is required or not, and what number Appointment of overseers, clerks and

When Commissioner may be re-appointed or re-elected.

420

Transfer to be conditional in certain cases.

35.

as is reserved

ers at a meeting shall, after publication of a notice of the last preceding section, object to the transfer to them of a dispensary, school, rest-house, ghât or market, on the ground that they cannot bear the charge, then such transfer shall not be made on the conditions as the Commissioners at a meeting may determine.

Commissioners at a meeting may purchase or take on lease any lands or buildings under the provisions of this Act, and may sell, let or otherwise dispose of the same for such purposes.

Chairman of Commissioners.

Power to purchase, lease and sell lands.

Lieutenant-Governor,¹ on the application of the Commissioners may, on being satisfied that the lands are in a position to pay for such land either at once or by instalments as the Lieutenant-Governor¹ may think proper,

the provisions of the Land Acquisition Act, 1870,² or any similar Act, being in force for the acquisition of land for public purposes, such land is required for a public purpose, and may cause such land to be acquired under the provisions of such Act; and, on payment by the Commissioners of the compensation awarded under such Act, the land shall be transferred to them for the purposes of this Act.

X of 1870

Election of Vice-chairman.

The Commissioners shall be bound to pay to the Government the cost of any land which may be acquired for them on their application under the provisions of the last preceding section.

39. The Commissioners may enter into and perform any contract necessary for the purposes of this Act.

Every contract made on behalf of the Commissioners in a first class municipality in respect of any sum exceeding five hundred rupees, or which shall involve a value exceeding five hundred rupees, and every contract made on behalf of the Commissioners in a second class municipality in respect of any sum exceeding two hundred rupees, or which shall involve a value exceeding two hundred rupees, shall be sanctioned by the Commissioners at a meeting, and shall be in writing, and signed by at least two of the Commissioners, one of whom shall be the Chairman or Vice-Chairman, and shall be sealed with the common seal of the Commissioners.

Unless so executed, such contract shall not be binding on the Commissioners.

Of the Mode of transacting the Business of the Municipality.

Commissioners to meet ordinarily once a month;

40. The Commissioners shall meet for the transaction of business (if there be any business to be transacted) at their office, or at some other convenient place.

¹ In Assam, the Chief Commissioner—see the Bengali, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III *ante*.

² Act X of 1870 has been repealed and re-enacted by Act I of 1894 (the Land Acquisition Act, 1894)—see Genl. Acts, Vol. IV.

place, at least once in every month, and as often as a meeting shall be called by the Chairman, or, in his absence, by the Vice-chairman

If there shall be no business to be laid before the meeting at any monthly meeting, the Chairman shall, instead of calling the meeting, give notice of the same to each Commissioner three days before the date which is appointed for the monthly meeting

41. The Chairman, or, in his absence, the Vice chairman, shall call a special meeting on a requisition signed by not less than three of the Commissioners and at other times on special requisition.

42. The Chairman, or, in his absence, the Vice-chairman, shall preside at every meeting, and, in the absence of both the Chairman and Vice chairman, the Commissioners shall choose some one of their number to preside Who to preside at meeting of the Commissioners

43. All questions which may come before the Commissioners at a meeting shall be decided by a majority of votes Questions to be decided by majority

In case of equality of votes, the President shall have a second or casting vote. Casting vote.

44. No business shall be transacted at any meeting of the Commissioners unless such meeting has been called by the Chairman or Vice-chairman, and unless a quorum shall be present Quorum

A quorum shall be in any municipality in which the Commissioners are more than fifteen, five,

in any other municipality, a number being not less than one-third of the entire number of Commissioners

Provided that it shall require two members at least to form a quorum

45. Minutes of the proceedings of all meetings of the Commissioners shall be entered in a book to be kept for the purpose, and shall be signed by the President of the meeting, and such book shall be open to the inspection of the Minutes of proceedings.

46. The Chairman shall for the transaction of the business connected with this Act, or for the purpose of making any order authorized thereby, exercise all the powers vested by this Act in the Commissioners Powers of Chairman

Provided that the Chairman shall not act in opposition to, or in contravention of, any order of the Commissioners at a meeting, or exercise any power which is directed to be exercised by the Commissioners at a meeting

47. The Chairman may, by a written order, delegate to the Vice-chairman all or any of the duties or powers of a Chairman as defined in this Act, subject to such restrictions as may seem fit to him, and may at any time by a written order withdraw the same Chairman may delegate his duties to Vice chairman

Provided that nothing done by the Vice-chairman which might have been done under the authority of a written order from the Chairman shall be invalid for want of or defect of such written order, if it be done with the express or implied consent of the Chairman

48. The Commissioners at a meeting shall from time to time decide whether a paid secretary, engineer or health officer is required or not, and what number Appointment of overseers, clerks and

subordinate
officers.

of assessors, overseers, clerks, registrars, subordinate officers, servants and collectors of taxes or tolls may be necessary for the municipality, and shall from time to time fix the salaries to be paid to such persons respectively out of the municipal fund, and the allowances to be granted to such persons during absence on leave.

Subject to the scale of establishment decided upon by the Commissioners under this section, the Chairman shall have power to appoint such persons as he may think fit, and from time to time to remove such persons and appoint others in their places :

Provided that no person shall be appointed to an office, the salary of which is more than two hundred rupees *per mensem*, without the sanction of the Commissioners at a meeting, subject to the approval of the Commissioner of the Division ; and provided also that no officer whose salary is more than fifty rupees *per mensem* shall be dismissed without the sanction of the Commissioners at a meeting.

Security to
be taken
from col-
lector of
taxes or tolls.

49. The Commissioners may take from every collector of municipal taxes or tolls, and from every other officer whose duty it is to receive or expend money on behalf of the Commissioners, such security as they may think proper.

Of Ward Committees.

Power to
appoint Ward
Committees.

50. The Commissioners at a meeting may divide any municipality into wards, and thereupon appoint, or cause to be elected, for each ward, not less than three proper persons, whether such persons be or be not Commissioners for the time being, to be members of the Ward Committee, and the Commissioners at a meeting may define the limits of the ward for which any Ward Committee may be appointed or elected.

Commission-
ers may lay
down rules
for election.

51. The Commissioners at a meeting may, with the sanction of the Commissioner of the Division, lay down rules, not being inconsistent with the provisions of this Act, in respect of the qualifications required to entitle any person who is not a Commissioner to stand as a candidate for such election and to entitle any person to vote for any candidate, and in respect of the mode of election ; and the Commissioners may at any time cancel any rule made by them under this section for such election.

Election of
Chairman
and Vice-
chairman of
Ward
Committee.

52. Each Ward Committee may, for each year if they see fit, elect their own Chairman and Vice-chairman (if necessary) from among their own number:

Provided that, if one or more Commissioners are members of the Ward Committee, the Chairman of the Ward Committee shall be a Commissioner.

Commission-
ers may dele-
gate powers
to Ward
Committee.

53. The Commissioners at a meeting may delegate to a Ward Committee such of the powers of Commissioners under this Act as to them may seem fit; and such Ward Committee, within the limits of their ward, as defined by the Commissioners at a meeting, may exercise all or any of such powers, and shall be liable to all the obligations imposed by this Act on Commissioners in respect of such powers.

All acts done, orders issued and assessments made by Ward Committees, shall be subject to the control and revision of the Commissioners at a meeting who may at any time withdraw all or any of such powers

54. The provisions of sections 40 to 47 (both inclusive) shall, as far as possible, be applicable to the transaction of business by Ward Committees, and the Commissioners shall sanction the establishments of Ward Committees in accordance with the provisions of section 48

Certain sections applicable to transaction of business by Ward Committees

55. All questions regarding the removal resignation and appointment of members of Ward Committees shall be settled by the Commissioners at a meeting

Removal, resignation and appointment of members

Liability of Commissioners and Ward Committees

56. No Commissioner or member of a Ward Committee shall be personally liable for any contract made, or expense incurred by or on behalf of the Commissioners

Personal liability of Commissioner or member of Ward Committee

Every Commissioner or member of a Ward Committee shall be personally liable for any wilful misapplication of money entrusted to the Commissioners to which he shall knowingly have been a party, and he shall be liable to be sued for the same

57. No Commissioner or member of a Ward Committee shall be interested directly or indirectly, in any contract made with the Commissioners, and, if any Commissioner shall be so interested, he shall thereby become incapable of continuing in office as a Commissioner, and shall be liable to a fine not exceeding five hundred rupees

Penalty on Commissioners and others interested in contracts

Provided that no person shall by reason of being a shareholder in, or a member of, any incorporated or registered Company be deemed interested in any contract entered into between such Company and the Commissioners

But no such shareholder or member shall act as a Commissioner or member of a Ward Committee in a matter relating to any contract entered into between such Company and the Commissioners

58. No Commissioner or member of a Ward Committee shall vote on any question which regards exclusively the assessment of himself, or the valuation of his property, or his liability to any tax

Commissioners disqualified from voting on certain questions

PART III

OF THE MUNICIPAL FUND AND ITS APPLICATION

59. All sums received by the Commissioners, and all fines paid or levied in any municipality under this Act, and all other sums which, under the sanction of Government, may be transferred to the Commissioners, shall constitute a fund which shall be called the municipal fund, and shall, together with all property of every nature or kind whatsoever, which may become vested in

What shall constitute the municipal fund.

the Commissioners, be under their control, and shall be held by them in trust for the purposes of this Act.

*[The municipal fund shall be deemed to be the fund applicable to police purposes mentioned in sections 11 and 48 of Bengal Act 2 of 1866 (to provide for the better regulation of the police within the suburbs of the Town of Calcutta).]*¹

60. The Commissioners shall set apart and apply annually out of the municipal fund—

first, such sum as they are by this Act required to provide for the maintenance of the municipal police-force ;

secondly, such sum as may be required for the payment of the interest which may fall due on any loan contracted by the Commissioners ;

thirdly, such sum as they are by this Act required to provide for payment of their own establishment and the expenses of their office and for payment of the municipal establishments entertained in the offices of the Magistrate² and of the Commissioner of the Division under section 74.

61. After the said sums have been set apart under the last preceding section, the Commissioners at a meeting shall, as far as the municipal fund permits, from time to time, cause roads, bridges, embankments, tanks, ghâts, wharves, jetties, wells, channels, drains, privies, latrines, and urinals, being the property of the Commissioners, to be maintained and repaired, and the municipality to be cleansed ;

and may, subject to such rules and restrictions as the Lieutenant-Governor³ may from time to time prescribe, apply the municipal fund to any of following purposes within the municipality, that is to say :—

(1) the construction and improvement of roads, bridges, embankments, squares, gardens, tanks, ghâts, wharves, jetties, wells, channels, drains, privies, latrines and urinals ;

(2) the supply of water, and the lighting and watering of roads ;

(3) the erection and maintenance of offices, police-stations and other buildings required for municipal purposes ;

(4) other works of public utility calculated to promote the health, comfort or convenience of the inhabitants :

Provided that for every thousand inhabitants of any municipality not more than two hundred rupees a year shall be expended on such other works of public utility, unless the Lieutenant-Governor³ shall, at the request of the Commissioners at a meeting, extend such limit for a special object ;

(5) the construction and repair of school-houses, and the establishment and maintenance of schools either wholly or by means of grants-in-aid ;

¹ The words in italics are obsolete in consequence of the repeal of this Act in Bengal.

² In Assam, the Deputy Commissioner, see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

³ In Assam, the Chief Commissioner of Assam—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III ante.]

Payment on account of police interest on loans, and establishment.

Purposes to which fund may be applied.

- (6) the establishment and maintenance of hospitals and dispensaries,
- (7) the promotion of vaccination, and
- (8) generally to carrying out the purposes of this Act

Provided that no portion of the municipal fund shall be applied to the establishment and maintenance of any school, hospital or dispensary, or to the promotion of vaccination, unless such application be sanctioned by the consent of a majority of the Commissioners present at a meeting specially convened for considering such application, or held after special notice has been given that such application will be considered at such meeting

The Commissioners may do all things, not being inconsistent with this Act, which may be necessary to carry out the purposes of this section

62. With the consent of two thirds of the Commissioners obtained in writing and with the sanction of the Lieutenant Governor,¹ the Commissioners may contribute a portion of the municipal fund towards the expenses incurred in any other municipality, or elsewhere, for any of the purposes mentioned in the last preceding section and also towards the expenses for making, maintaining and repairing any work for the improvement of a river or harbour (by whomsoever such work may be done)

Contribution to other municipalities

But no contribution shall be made under this section to any work unless the same is calculated to benefit the inhabitants of the contributing municipality

63. The account books of the municipality shall be open to the inspection of any tax-payer at the office of the Commissioners on a day to be fixed in each month

Account books to be kept open and quarterly statement published.

An account showing the receipts and expenditure during the quarter arranged under the proper heads and duly balanced, shall be prepared immediately after the close of each quarter, and shall, with the account books, be open to the inspection of any tax payer, and a copy of such account shall be forwarded to the Magistrate of the district²

A similar account shall be prepared for each year, as soon as possible, after its close, and shall be open to inspection as aforesaid, and a copy thereof shall be forwarded to the Magistrate of the district² for the submission to the Commissioner of the Division

64. The Commissioners, at a meeting held at least three months before the close of the year, shall prepare in detail estimates showing the probable receipts and expenditure during the ensuing year and the objects in respect of which it is proposed to incur such expenditure

Annual estimates of expenditure to be prepared

65. Copies of the estimates and translations thereof in the vernacular of the district shall be lodged in the office of the Magistrate and in the municipal office or offices

Estimates to be published

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912) s. 3, and Sch. D, Pt. III ante

² In Assam the Deputy Commissioner—see the Assam Local Statutory Rules and Orders Suppl., 1901, p. 12

the Commissioners, be under their control, and shall be held by them in trust for the purposes of this Act.

*[The municipal fund shall be deemed to be the fund applicable to police purposes mentioned in sections 11 and 48 of Bengal Act 2 of 1866 (to provide for the better regulation of the police within the suburbs of the Town of Calcutta).]*¹

60. The Commissioners shall set apart and apply annually out of the municipal fund—

first, such sum as they are by this Act required to provide for the maintenance of the municipal police-force ;

secondly, such sum as may be required for the payment of the interest which may fall due on any loan contracted by the Commissioners ;

thirdly, such sum as they are by this Act required to provide for payment of their own establishment and the expenses of their office and for payment of the municipal establishments entertained in the offices of the Magistrate² and of the Commissioner of the Division under section 74.

61. After the said sums have been set apart under the last preceding section, the Commissioners at a meeting shall, as far as the municipal fund permits, from time to time, cause roads, bridges, embankments, tanks, ghâts, wharves, jetties, wells, channels, drains, privies, latrines, and urinals, being the property of the Commissioners, to be maintained and repaired, and the municipality to be cleansed ;

and may, subject to such rules and restrictions as the Lieutenant-Governor³ may from time to time prescribe, apply the municipal fund to any of following purposes within the municipality, that is to say :—

(1) the construction and improvement of roads, bridges, embankments, squares, gardens, tanks, ghâts, wharves, jetties, wells, channels, drains, privies, latrines and urinals ;

(2) the supply of water, and the lighting and watering of roads ;

(3) the erection and maintenance of offices, police-stations and other buildings required for municipal purposes ;

(4) other works of public utility calculated to promote the health, comfort or convenience of the inhabitants :

Provided that for every thousand inhabitants of any municipality not more than two hundred rupees a year shall be expended on such other works of public utility, unless the Lieutenant-Governor³ shall, at the request of the Commissioners at a meeting, extend such limit for a special object ;

(5) the construction and repair of school-houses, and the establishment and maintenance of schools either wholly or by means of grants-in-aid ;

¹ The words in italics are obsolete in consequence of the repeal of this Act in Bengal.

² In Assam, the Deputy Commissioner, see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

³ In Assam, the Chief Commissioner of Assam—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III ante.]

Payment on account of police interest on loans, and establishment.

Purposes to which fund may be applied.

- (6) the establishment and maintenance of hospitals and dispensaries ,
- (7) the promotion of vaccination , and
- (8) generally to carrying out the purposes of this Act

Provided that no portion of the municipal fund shall be applied to the establishment and maintenance of any school, hospital or dispensary, or to the promotion of vaccination, unless such application be sanctioned by the consent of a majority of the Commissioners present at a meeting specially convened for considering such application, or held after special notice has been given that such application will be considered at such meeting

The Commissioners may do all things, not being inconsistent with this Act, which may be necessary to carry out the purposes of this section

62. With the consent of two thirds of the Commissioners obtained in writing and with the sanction of the Lieutenant-Governor,¹ the Commissioners may contribute a portion of the municipal fund towards the expenses incurred in any other municipality, or elsewhere, for any of the purposes mentioned in the last preceding section and also towards the expenses for making, maintaining and repairing any work for the improvement of a river or harbour (by whomsoever such work may be done)

Contribution to other municipalities

But no contribution shall be made under this section to any work unless the same is calculated to benefit the inhabitants of the contributing municipality

63. The account-books of the municipality shall be open to the inspection of any tax-payer at the office of the Commissioners on a day to be fixed in each month

Account books to be kept open and quarterly statement published.

An account showing the receipts and expenditure during the quarter arranged under the proper heads and duly balanced, shall be prepared immediately after the close of each quarter, and shall, with the account-books, be open to the inspection of any tax payer, and a copy of such account shall be forwarded to the Magistrate of the district²

A similar account shall be prepared for each year, as soon as possible, after its close, and shall be open to inspection as aforesaid, and a copy thereof shall be forwarded to the Magistrate of the district³ for the submission to the Commissioner of the Division

64. The Commissioners, at a meeting held at least three months before the close of the year, shall prepare in detail estimates showing the probable receipts and expenditure during the ensuing year and the objects in respect of which it is proposed to incur such expenditure

Annual estimates of expenditure to be prepared

65. Copies of the estimates and translations thereof in the vernacular of the district shall be lodged in the office of the Magistrate and in the municipal office or offices

Estimates to be published.

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912) s. 3, and Sch. D, Pt. III *ante*

² In Assam the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12

During fourteen days after the estimates shall have been so lodged in the said offices, of which due notice shall be locally published, the estimates and translations in the vernacular of the district shall be open to inspection at all reasonable times by any tax-payer of such municipality who may desire to inspect the same.

Any written suggestion which may be deposited in the office of the Commissioners shall be recorded and laid before them for consideration at the next meeting.

Estimate to be transmitted to Magistrate of district and Commissioner of division.

66. After the expiration of the said fourteen days, and after such revision as may appear requisite, the Chairman shall transmit the estimates to the Magistrate of the district¹ with any remarks or objections thereupon which may have been recorded by himself or by the Commissioners at a meeting ;

and the Magistrate of the district¹ shall forward them to the Commissioner of the division, together with such remarks or objections, and his own opinion thereon.

Power of Commissioner of division and Lieutenant-Governor as to estimates.

67. The Commissioner of the division may either sanction the estimate or may submit it for the consideration of the Lieutenant-Governor.² The Lieutenant-Governor² may either sanction the estimate as it stands, or sanction it after making such alterations therein as may seem to him fit, or may cause it to be returned to the Commissioners for such modifications as he may think necessary ; and, when such modifications have been made, the estimate shall be re-submitted to the Commissioner of the division and passed by him.

Estimate of expenditure may be revised.

68. The Commissioners at a meeting may from time to time revise any estimate of expenditure with the view of providing for any modifications which they may deem it advisable to make in the appropriation of the amount at their disposal, and such revised estimate shall be published, and forwarded for sanction to the Commissioner of the division through the Magistrate of the district¹ in the manner prescribed by section 66 ; and the Commissioner of the division and the Lieutenant-Governor² may deal with such revised estimate in the manner provided by the last preceding section.

Disbursement of expenditure sanctioned in estimate.

69. After the estimates of the municipality for the year shall have been sanctioned by the Commissioner of the division, the Commissioners at a meeting may, from time to time, by a general or a special resolution, authorize the expenditure of any sum provided in such estimates, or any part of such sum, for the purpose to which it has been assigned in such estimate

Notwithstanding anything contained in this section, the Lieutenant-Governor² may lay down such rules as he may think fit limiting or regulating the powers of any municipality in respect to the expenditure of money for purposes which are provided for in the budget estimates of the year.

¹ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

² In Assam, the Chief Commissioner of Assam—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III *ante*.

70. If any work is estimated to cost above three thousand rupees, the Lieutenant Governor¹ may require the plans and estimates of such work to be submitted for his approval, or for the approval of any officer of Government, before such work is commenced,

Power of Lieutenant Governor if work estimated to cost more than three thousand rupees

and may require statements of the progress and completion of such work, with accounts of the expenditure on the same, to be submitted from time to time, in such form as he may prescribe, for his approval, or for the approval of such officer of Government

71. It shall not be lawful for the Commissioners to authorize the expenditure on any object during the year of a sum in excess of that which has been sanctioned in the estimate of the year, or in a revised estimate, for such object, but, if it be found necessary in the course of the year, the Commissioners may recommend to the Commissioner of the division that the allotments which have been made to the different heads of the estimate shall be modified by transfer of any amount from one head to another, and the Commissioner of the division may sanction such transfers of allotment

Disbursement of excess expenditure.

72. The Commissioners shall, at such time and in such form as the Lieutenant Governor¹ shall direct, furnish annually a report of their proceedings and statements of the works executed by them, and of all sums received and expended by them

An annual report of proceedings etc to be submitted

The report and any orders which may be passed thereon by Government shall be open to the inspection of the tax payers at the office of the Commissioners with the account-books and the quarterly and annual accounts, and the Lieutenant Governor¹ may, if he think fit, cause any such report to be published in the Calcutta Gazette²

73. The municipal accounts shall be audited each year by such person and in such manner as the Lieutenant-Governor¹ shall direct, and the expense of such audit shall be paid from the municipal fund

Audit of accounts

74. The Lieutenant-Governor¹ may direct that the cost of maintaining clerks or other establishments in the offices of the Magistrate of the district³ and of the Commissioner of the division, for the audit of accounts and the requisite correspondence connected with the purposes of this Act, shall be paid in rateable proportion from the funds of the several municipalities which may be constituted under this Act in such district or division

Expense of clerks in office of Magistrate and Commissioner

And the Commissioners of every municipality shall pay to the Magistrate of the district³ the sum which they may be required to pay for the purposes of this section and the last preceding section

75. All sums received on account of the municipal fund shall be paid into a Government treasury, or into any bank or branch bank used as a Gov-

Custody of the municipal fund.

¹ In Assam, the Chief Commissioner of Assam—see the Bengal Bihar and Orissa and Assam Laws Act 1912 (VII of 1912) s 3, and Sch D Pt III ante

² In Assam, the Assam Gazette—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912) s 3, and Sch D, Pt III

³ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, supplt, 1901, p 12

ernment treasury in or near to the municipality, and shall be credited to an account to be called the account of the municipality to which they belong :

Provided that the Commissioners may invest any moneys not required for immediate use either in the Government Savings Bank or in Government securities, or in any other form of security which may be approved of by the Lieutenant-Governor.¹

Orders for
payment of
money.

76. Unless the Lieutenant-Governor¹ shall expressly extend (as he is hereby empowered to do on the recommendation of the Commissioners) the limit of the powers of the Chairman or Vice-chairman in this behalf, all orders for the payment of money from the municipal fund, if for a sum not above five hundred rupees in a first class municipality, and not above two hundred rupees in a second class municipality, shall be signed by the Chairman or Vice-chairman, and all orders for larger sums by both of the said officers or by one of the said officers and another Commissioner.

No such orders shall be issued otherwise than for the payment of money of which the expenditure has been authorized by the Commissioners at a meeting, as provided in section 69.

PART IV.

OF MUNICIPAL TAXATION.

Of the Power to Impose Taxes and Tolls.

Alternative
tax upon
persons or
holdings.

77. The Commissioners may, from time to time, at a meeting convened expressly for the purpose, of which due notice shall have been given, and with the sanction of the Lieutenant-Governor,¹ impose within the limits of the municipality one or other, but not both, of the following taxes :—

(a) a tax upon persons occupying holdings within the municipality according to their circumstances and property within the municipality :

Provided that the total sum to be raised by such tax in any year shall not exceed the sum which would be produced by an average rate of two rupees and four annas *per annum* for each holding, and that the amount assessed in respect of the occupation of any one holding shall not be more than eighty-four rupees *per annum* ; or

(b) a rate on the annual value of all holdings situated within the municipality :

Provided that such rate shall not exceed seven and-a-half *per centum* on the annual value of such holdings, [*except within the municipality of Dacca, in which it shall not exceed ten per centum on such annual value*],² and provided also that no rate shall be imposed on any holding of which the annual value is less than six rupees.

¹ In Assam, the Chief Commissioner of Assam, *see* the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III *ante*.

² The words in italics are obsolete in consequence of the repeal of this Act in Eastern Bengal.

78. The Commissioners may, from time to time, at a meeting convened as aforesaid, and with the sanction of the Lieutenant-Governor,¹ order that the following tax fee and tolls, or any of them, be levied within the limits of the municipality in addition to either of the taxes mentioned in the last preceding section —

- (a) a tax on carriages, horses and other animals named in the third schedule ,
- (b) a fee on the registration of carts ,
- (c) tolls on ferries and (subject to the provisions of sections 149 and 150) tolls upon bridges and metalled roads

Of the Tax on Persons

79. When it has been determined that a tax shall be imposed on persons occupying holdings within the municipality, according to their circumstances and property, the Commissioners, after making such inquiries as may be necessary, shall cause to be prepared an assessment-list which shall contain the following particulars, and any others which the Commissioners may think proper to include —

- (a) name of the street or road in which the holding is situated ,
- (b) number of the holding on the register ,
- (c) name of person occupying the holding, whether such person be assessed or exempted from assessment ,
- (d) description of the holding and of the property within the municipality, with profession or business of the person assessed ,
- (e) amount of annual assessment ,
- (f) amount of quarterly instalment ,
- (g) if the occupier of the holding is exempted from assessment, a note to that effect

The tax upon persons shall be payable in quarterly instalments by persons occupying holding

Such tax shall not be assessed or levied on any person in respect of the occupation of arable lands or of any building which is used exclusively as a place of worship

80. Save as is herein otherwise provided, every assessment of the tax upon persons shall take effect from the beginning of the year next following that in which the notice required by section 103 is published, and shall be valid for three years and until the beginning of the year next after the date on which a new assessment or valuation may be published, or until the assessment and valuation be revised and amended

Provided that, when Chapters I, II and V are extended to any place, the first assessment may take effect from the beginning of the quarter next following that in which the said notice shall be published

¹ In Assam, the Chief Commissioner, see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s 3, and Sch D Pt III.

in force until the order of the Commissioners determining such percentage shall be rescinded, and until the Commissioners at a meeting shall determine some other percentage on the valuation of holdings at which the rate will be levied from the beginning of the next year :

Provided that, when Chapters I, II and V are extended to any place, the first rate may be levied from the beginning of the quarter next after that in which the percentage has been fixed by the Commissioners at a meeting.

Preparation
of valuation
and rating-
list.

94. As soon as possible after the percentage at which the rate is to be levied on the next year shall have been determined under the last preceding section, the Commissioners shall cause to be prepared a valuation and rating-list, which shall contain the following particulars, and any others which the Commissioners may think proper to include :—

- (a) name of the street or road in which the holding is situated ;
- (b) number of the holding on the register ;
- (c) description of the holding ;
- (d) annual value of the holding ;
- (e) name of owner ;
- (f) amount of rate payable for the year ;
- (g) amount of quarterly instalment ;
- (h) if the holding is exempted from assessment, a note to that effect.

The rate upon holding shall be payable in quarterly instalments by the owner of the holding.

Power to
assess upon a
house
consolidated
tax for house
and land in
which it
stands.

95. If any house belongs to one owner, and the land on which it stands and the adjacent land which is usually occupied therewith belongs to another, the Commissioners may value such house and land together, and may impose thereon one consolidated rate.

The total amount of the rates shall be payable by the owner of the house, who shall thereafter be entitled to deduct from the rent which he pays for the land such proportion of the rate so paid by him as is equal to the proportion which such rent bears to the annual value of the holding.

If the owner of the house and the owner of the land do not agree in respect of the proportion of the rate so deducted by the owner of the house, the Commissioners shall, on the application of either party, make an award declaring the amount payable by each, and such award shall be final.

96. If the sum due from the owner of any holding remains unpaid after the notice of demand has been duly served, and such owner be not resident within the municipality, or the place of abode of such owner be unknown, the same may be recovered from the occupier for the time being of such holding, who may deduct, from the next and following payments of his rent, the amount which may be so paid by or recovered from him :

Provided that no arrear of rate, which has remained due from the owner of any holding for more than one year, shall be so recovered from the occupier thereof.

due from
resident
may
be recovered
from occu-
pied and
deducted by
him from his
rent.

97. Whenever, from the circumstances of the case, the levy of the rate on any holding in the municipality would be productive of excessive hardship to the person liable to pay the same, the Commissioners at a meeting may reduce the amount payable on account of such holding, or may remit the same

Power of Commissioners in cases of excessive hardship

98. If the value of any holding shall be diminished from any cause beyond the control of the owner thereof, the owner thereof may apply for reduction of the valuation of the same

Application for reduction of assessment

99. The Commissioners may, at any time after the publication of the notice required by section 103 value and rate any holding which was without authority omitted from the valuation and rating-list or which has become liable to valuation and rating after the publication thereof, and may enhance the valuation and rating of any holding which may appear to have been insufficiently valued or rated through mistake or fraud, and may re-value and re-assess the rate on any holding, the value of which has been increased by additions or alterations to any building thereon

Power to revise valuation and assessment

Any rate imposed or enhancement made under this section shall take effect from the beginning of the quarter next following that in which the rate shall be imposed or enhancement made

100. The Commissioners may at any time substitute for any name mentioned in the valuation and rating list the name of any person to whom any holding mentioned therein shall have been transferred

Power to revise assessment list

Such person shall be liable to pay the rate payable on such holding from the first day of the quarter next after the date of the transfer

101. When any holding has been vacant for sixty or more consecutive days during any year, the Commissioners shall remit, and, if the rate has been paid, shall refund, one half of so much of the rate of that year as may be proportionate to the number of days the said holding has remained unoccupied

Remission or refund on account of vacant holdings

Provided that the owner of such holding, or his agent, has given to the Commissioners notice in writing of the vacancy thereof

The amount of tax to be remitted or refunded shall be calculated from the date of the delivery of such notice

102. Whoever, being the owner of any holding for which a remission or refund of rate has been made under the last preceding section, fails to give notice of the re-occupation of such holding within ten days of such re-occupation, shall be liable to a fine not exceeding three times the amount of rate payable quarterly on such holding

Penalty

Of General Provisions relating to the Tax on Persons and the Rate on Holdings and to the Recovery of the same

103. When the assessment-list of the tax upon persons or the valuation and rating list of the rate on the annual value of holdings shall have been prepared or revised, the Chairman shall sign the same, and shall cause it to be deposited in the office of the Commissioners, and shall cause the notice in form

Publication of notice of assessments

(A) or the notice in form (B) of the first Schedule (as the case may be) to be published in the manner prescribed by section 365.

Application
for review.

104. Any person who is dissatisfied with the amount assessed upon him or with the valuation or rating of any holding,

or who disputes his occupation of any holding,

or his liability to be assessed or rated,

may apply to the Commissioners to review the amount of assessment, valuation or rating, or to exempt him from the assessment or rate.

Procedure
upon review.

105. Every application presented under the last preceding section shall be heard and determined by not less than three Commissioners, who shall be appointed on that behalf by the Chairman. The Commissioners so appointed, after making such inquiries as they may deem necessary, may pass such order as they shall think fit in respect of such application.

The decision of such Commissioners, or of a majority thereof, in such cases shall be final.

Limitation of
time for
application
of review.

106. Unless good cause shall be shown to the satisfaction of such Commissioners for extending the time allowed, and save as is otherwise expressly provided in this Act, no such application shall be received after the expiration of one month from the date of publication of the notice required by section 103 relating to the list containing the assessment, valuation or rating in respect of which the application is made, or after the expiration of fifteen days from the date of service of the first notice of demand for payment at the rate in respect of which the application is made, whichever period shall last expire.

Assessment
to be ques-
tioned only
under Act.

107. No objection shall be taken to any assessment or rating, nor shall the liability of any person to be assessed or rated be questioned, in any other manner or by any other authority than in this Act is provided.

Office-hours
for payment
of taxes.

108. By notification to be posted up in their office, the Commissioners shall declare at what hours of each day (not being a Sunday or other recognized holiday) the office shall be open for the receipt of money.

Tax payable
in advance.

109. The amount due by any person on account of the tax on persons or the rate on holdings, shall be deemed to be the amount entered in the lists, the notice relating to which is published under section 103, unless the amount entered in such lists is subsequently altered by the Commissioners as provided in this Act, in which case the amount to which the assessment or rating is so altered shall be deemed to be the amount due.

Every instalment of such tax or rate shall be deemed to be due on the first day of the quarter in respect of which such instalment is payable.

Receipts to
be given.

110. For all sums paid on account of any tax or rate under this Act, a receipt stating the amount and the tax or rate on account of which it is paid shall be given, signed by the tax-collector or by some other officer authorized by the Commissioners to grant such receipts.

Bill and
notice of
demand to
be presented

111. At any time within six months after any sum has become due on account of any tax or rate, the Commissioners shall cause to be served upon the person liable to the payment thereof a bill for the said sum, which shall

contain a statement of the period and of the tax or rate on account of which the charge is made after one month.

If the amount mentioned in such bill be not paid on presentation thereof, a notice of demand in the form marked (A) in the second Schedule, with copy of the bill appended thereto, shall be served on the person liable to pay the same, and such notice of demand may be served at any subsequent time: Provided that no charge shall be made in respect of the service of such notice.

Such notice shall be signed by the Chairman or an officer authorized in that behalf, and shall be served by a person authorized to receive payment.

112. If any person, after service upon him of such bill and notice, shall not, If not paid in fifteen days, process of distress may issue. within fifteen days of the service of such notice or from the date of any order made on an application for review under section 105, pay the sum due, either to the Commissioners at their office, or to some person authorized by them to receive the money, or show to the Commissioners sufficient cause for not paying the same, the amount of the arrear due, with costs on the scale shown in the table of fees marked (B) in the second Schedule, may at any time within three months after the date of service of the said notice, or of the order made on an application to review as aforesaid, be levied by distress and sale of any moveable property belonging to the defaulter, except ploughs, plough-cattle tools or implements of trade or agriculture, wherever found, or of any such moveable property subject to the same exceptions, which may be found within the holding in respect of which such defaulter is liable to such tax or rate.

If the said property or any part thereof belong to any person other than the defaulter, the defaulter shall be liable to indemnify the owner thereof for any damage he may sustain by reason of such distress, or by reason of any payment he may make to avoid such distress, or any sale under the same.

113. Every warrant of distress and sale under the last preceding section shall be issued by the Commissioners, and shall be in the form marked (C) in the second Schedule.

Distress shall be made by actual seizure of moveable property, and the officer charged with the execution of the warrant shall be responsible for the due custody thereof.

Such officer shall make an inventory of all moveable property seized under the warrant and shall give not less than ten days' previous notice of the sale and of the time and place thereof by beat of drum, in the municipality or ward in which the property is situated, and by serving on the defaulter a notice in the form marked (D) in the second Schedule:

Provided that, if the property is of a perishable nature, it may be sold, with the consent of the defaulter, at any time after the expiry of twenty-four hours from the seizure.

114. The officer charged with the execution of the warrant may, under the special order of the Commissioners, between sunrise and sunset, break open any outer or inner door or window of a house in order to make the distress, &c.

if he has reasonable ground for believing that such house contains any moveable property belonging to the defaulter, and if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance :

Provided that he shall not enter or break open the door of any room appropriated for the *zanana*, or residence of women, which by the usage of the country is considered private, except after three hours' notice and opportunity given for the retirement of the women.

115. If the sum due be not paid with costs before the time fixed for the sale, or the warrant be not discharged or suspended by the Commissioners, the moveable property seized shall be sold by auction, at the time and place specified, in the most public manner possible, and the proceeds shall be applied in discharge of the arrears and costs ; and the surplus, if any, shall be returned on demand to the person in possession of the moveable property at the time of the seizure, or, if unclaimed for a period of twelve months, shall be transferred to the municipal fund.

The tax-collector or other officer authorized in that behalf shall make a return of all such sales to the Commissioners in the form marked (E) in the second Schedule.

116. All officers and servants of the Commissioners, and all *chaukidars*, constables and other officers of police, are prohibited from purchasing any property at any such sale.

117. The Commissioners shall cause a regular account to be kept of all distresses levied and sales made for the recovery of taxes under this Act.

118. If no sufficient goods or chattels belonging to a defaulter, or being upon the premises in respect of which he is assessed or rated, can be found within the municipality, the Magistrate may, on the application of the Commissioners, issue his warrant to any officer of his Court for the distress and sale of any personal property or effects belonging to the defaulter within any other part of the jurisdiction of the Magistrate, or for the distress and sale of any personal property belonging to the defaulter within the jurisdiction of any other Magistrate whatsoever, and such other Magistrate shall endorse the warrant so issued, and caused it to be executed, and the amount, if levied, to be remitted to the Magistrate issuing the warrant, who shall remit the same to the Commissioners.

119. No distress or sale made under this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any error, defect or want of form in the bill, notice, summons, warrant of distress, inventory or other proceeding relating thereto.

120. Instead of proceeding by distress and sale, or in case of failure to realize thereby the whole or any part of any tax, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

Sale how to be conducted.

Return of sales.

Certain persons prohibited from purchasing at sales.

Commissioners to keep account of distresses and sales.

Sale of property beyond limits of municipality.

Distress or sale not unlawful for want of form.

Commissioners may bring suit instead of distraining, or on failure of distress.

121. The Commissioners may order to be struck off the books the amount of any tax or rate which may appear to them to be irrecoverable

Irrecoverable taxes

Of the Tax on Carriages, Horses and other Animals

122. When it has been determined that a tax on carriages, horses and other animals specified in the third Schedule shall be imposed, the Commissioners at a meeting shall make an order that every carriage, horse and every other animal of the kind specified in the third Schedule which is kept or habitually used within, or which is let for hire within or without, the municipality, and habitually used within it, shall pay the tax and shall cause such order to be published in the manner prescribed by section 365

Tax on carriages, horses and other animals

Such order shall be published at least one month before the beginning of the half-year in which such tax shall first take effect, and shall specify at what rates, not exceeding the rates given in the third Schedule, such tax shall be levied

But such tax shall not be imposed on—

- (a) horses or ponies belonging to officers doing regimental duty, at the rate of one animal for each officer,
- (b) animals exempt from any municipal tax under section 25 of the Indian Volunteers Act, 1869,¹
- (c) carriages or animals belonging to Government, or to the municipality, or for keeping which for the execution of their duty an allowance is made by the Government or by the Commissioners to any of their officers,
- (d) animals used by, or exclusively for the purposes of, any regiment,
- (e) horses or ponies used by police officers, at the rate of not more than one for each officer,
- (f) carriages, the wheels of which do not exceed twenty-four inches in diameter,
- (g) animals under eleven hands in height,
- (h) carriages or animals kept for sale by any *bona fide* dealer in such carriages or animals, and not used for any other purpose

123. Any order of the Commissioners imposing a tax under the last preceding section shall continue in force until rescinded, and the tax shall be levied at the rates specified in the order published as aforesaid, unless and until the Commissioners at a meeting, held not less than fifteen days before the end of the year, make and publish an order specifying any different rates at which the tax shall be payable for the ensuing year

Tax so fixed to continue, in force until altered

124. In any municipality in which a tax has been imposed under the last preceding section, the owner of every carriage, horse and other animal specified in the third Schedule shall, within the first month of each half year, forward to the Commissioners a statement in writing signed by him,

Licenses how to be obtained.

¹ Genl Acts, Vol II

if he has reasonable ground for believing that such house contains any moveable property belonging to the defaulter, and if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance :

Provided that he shall not enter or break open the door of any room appropriated for the *zanana*, or residence of women, which by the usage of the country is considered private, except after three hours' notice and opportunity given for the retirement of the women.

Sale how to be conducted.

115. If the sum due be not paid with costs before the time fixed for the sale, or the warrant be not discharged or suspended by the Commissioners, the moveable property seized shall be sold by auction, at the time and place specified, in the most public manner possible, and the proceeds shall be applied in discharge of the arrears and costs; and the surplus, if any, shall be returned on demand to the person in possession of the moveable property at the time of the seizure, or, if unclaimed for a period of twelve months, shall be transferred to the municipal fund.

Return of sales.

The tax-collector or other officer authorized in that behalf shall make a return of all such sales to the Commissioners in the form marked (E) in the second Schedule.

Certain persons prohibited from purchasing at sales.

116. All officers and servants of the Commissioners, and all *chaukidars*, constables and other officers of police, are prohibited from purchasing any property at any such sale.

Commissioners to keep account of distresses and sales.

117. The Commissioners shall cause a regular account to be kept of all distresses levied and sales made for the recovery of taxes under this Act.

Sale of property beyond limits of municipality.

118. If no sufficient goods or chattels belonging to a defaulter, or being upon the premises in respect of which he is assessed or rated, can be found within the municipality, the Magistrate may, on the application of the Commissioners, issue his warrant to any officer of his Court for the distress and sale of any personal property or effects belonging to the defaulter within any other part of the jurisdiction of the Magistrate, or for the distress and sale of any personal property belonging to the defaulter within the jurisdiction of any other Magistrate whatsoever, and such other Magistrate shall endorse the warrant so issued, and caused it to be executed, and the amount, if levied, to be remitted to the Magistrate issuing the warrant, who shall remit the same to the Commissioners.

Distress or sale not unlawful for want of form.

119. No distress or sale made under this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any error, defect or want of form in the bill, notice, summons, warrant of distress, inventory or other proceeding relating thereto.

Commissioners may bring suit instead of distraining, or on failure of distress.

120. Instead of proceeding by distress and sale, or in case of failure to realize thereby the whole or any part of any tax, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

121. The Commissioners may order to be struck off the books the amount of any tax or rate which may appear to them to be irrecoverable the Irrecoverable taxes

Of the Tax on Carriages, Horses and other Animals

122. When it has been determined that a tax on carriages, horses and other animals specified in the third Schedule shall be imposed, the Commissioners at a meeting shall make an order that every carriage, horse and every other animal of the kind specified in the third Schedule which is kept or habitually used within, or which is let for hire within or without, the municipality, and habitually used within it, shall pay the tax, and shall cause such order to be published in the manner prescribed by section 365 Tax on carriages, horses and other animals

Such order shall be published at least one month before the beginning of the half year in which such tax shall first take effect, and shall specify at what rates, not exceeding the rates given in the third Schedule, such tax shall be levied

But such tax shall not be imposed on—

- (a) horses or ponies belonging to officers doing regimental duty, at the rate of one animal for each officer,
- (b) animals exempt from any municipal tax under section 25 of the Indian Volunteers Act, 1869,¹
- (c) carriages or animals belonging to Government, or to the municipality, or for keeping which for the execution of their duty an allowance is made by the Government or by the Commissioners to any of their officers,
- (d) animals used by, or exclusively for the purposes of, any regiment,
- (e) horses or ponies used by police officers, at the rate of not more than one for each officer,
- (f) carriages, the wheels of which do not exceed twenty-four inches in diameter,
- (g) animals under eleven hands in height,
- (h) carriages or animals kept for sale by any *bond fide* dealer in such carriages or animals, and not used for any other purpose

123. Any order of the Commissioners imposing a tax under the last preceding section shall continue in force until rescinded, and the tax shall be levied at the rates specified in the order published as aforesaid, unless and until the Commissioners at a meeting, held not less than fifteen days before the end of the year, make and publish an order specifying any different rates at which the tax shall be payable for the ensuing year Tax so fixed to continue in force until altered

124. In any municipality in which a tax has been imposed under the last preceding section, the owner of every carriage, horse and other animal specified in the third Schedule shall, within the first month of each half-year, forward to the Commissioners a statement in writing, signed by him, Licenses how to be obtained.

containing a description of the carriages, horses and other animals liable to the tax for which he is bound to take out a license.

Such owner shall at the same time pay to the Commissioners such sum as shall be payable by him for the current half-year for the carriages, horses and other animals specified in such statement, according to the rates specified in any order for the time being in force under the two last preceding sections.

Proportion-
ate tax on
carriages,
etc., required
during half-
year.

125. If any person acquires possession at any time after the commencement of any half-year of any carriage, horse or other animal specified in the third Schedule, in respect of which no license has been given for such half-year, he shall forward a statement as above required within one month of the date on which he may have acquired possession thereof, and shall pay such amount of the tax as shall bear the same proportion to the whole tax for the half-year as the unexpired portion of the half-year bears to the half-year; and such amount shall be calculated from the date on which such person may have acquired possession as aforesaid.

On payment
of tax,
Commission-
ers to give
a license.

126. On receiving the amount of the tax due as aforesaid, the Commissioners or some other person authorized by them in that behalf, shall give to the person paying the same a license for the several carriages, horses and other animals for the period in respect of which the amount is received.

Such license shall be for the current half-year and no longer.

Carriage,
etc., liable to
the tax,
although the
owner be
absent.

127. Whenever the owner of any carriage, horse or other animal liable to pay the said tax is not resident within the limits of the municipality to the Commissioners of which the tax is due, the person in whose immediate possession the carriage, horse or other animal is for the time being kept shall take out a license for the same.

Penalty.

128. Whoever keeps or is in possession of any carriage, horse or other animal without the license required by the three last preceding sections shall be liable to a fine not exceeding three times the amount payable by him in respect of such license, exclusive of the amount so payable.

Commission-
ers may
compound
with livery
stable-
keepers.

129. The Commissioners at their discretion may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages or animals for hire, for a certain sum to be paid for the carriages or animals so kept by such person, in lieu of the tax at the rates specified in any order made by the Commissioners under sections 122 and 123.

List of per-
sons licensed
to be
prepared.

130. The Commissioners shall from time to time cause to be prepared and entered in a book, to be kept by them, and to be open to the inspection of any person interested therein, a list of the persons to whom, during the then current half-year, a license has been given, and of the carriages, horses and other animals in respect of which they have paid the tax.

Power to
inspect stable,
etc., and to
summon

131. The Commissioners, or any person authorized by them in that behalf, may at any time between sunrise and sunset enter and inspect any stable or coach-house, or any place wherein they may have reason to believe that

there is any carriage, horse or other animal liable to the tax for which a license has not been duly taken out

And the Commissioners may summon any person whom they have reason to believe to be liable to the payment of any such tax, or any servant of such person and may examine such person or servant as to the number and description of the carriages, horses and other animals in respect of which such person is liable to be taxed

132. On proof being given to the satisfaction of the Commissioners that a carriage, horse or other animal for which a license has been taken out for any half year has ceased to be kept or to be used within the municipality during the course of such half-year, the Commissioners shall order a refund of so much of the tax for the half year as shall bear the same proportion to the whole tax for the half year as the period during which such carriage, horse or other animal has not been kept or used in the municipality bears to the half year, but no such refund shall be allowed unless notice be given to the Commissioners within one month of the time when such use of such carriage, horse or other animal ceased and the Commissioners shall pass no order for refund until after the close of the half year in respect of which the refund is claimed

Of the Registration of Carts

133. The Commissioners at a meeting may make and publish an order that every cart, which is kept or habitually used within or which is let for hire within or without, the municipality and habitually used within it, shall be registered by the Commissioners with the name and residence of the owner, and shall bear the number of registration in such manner as the said Commissioners shall direct

This section shall not apply to carts—

- (a) which are the property of the Government or of the municipality,
- (b) which are kept without the limits of the municipality, and are only temporarily and casually used within such limits,

[(c) which are kept in *Hourah* or within the suburbs of *Calcutta*]¹

134. The registration of cart under the last preceding section shall be made and the numbers assigned yearly or half yearly, upon such days as the Commissioners shall notify, and such fee as they shall from time to time fix and notify, not exceeding four rupees if the registration has effect for a year, and not exceeding two rupees if the registration has effect for half a year, shall be paid for each registration

135. Any person becoming possessed of any cart, which has not been registered for the then current period of registration, shall register the same within one month of the date on which he may have become possessed thereof, and the Commissioners shall grant registration in any such case on payment of such amount of the fee as shall bear the same proportion to the whole fee

¹ The words in italics are obsolete in consequence of the repeal of this Act in Bengal

for the current period of registration as the unexpired portion of the current period of registration bears to the whole of such period ; and such fee shall be calculated from the date on which such person may have become possessed as aforesaid.

Transfer of
ownership.

136. When the ownership of any registered cart is transferred within any period of registration, it shall be registered anew within one month of the transfer in the name of the person to whom it has been transferred, and a fee not exceeding four annas shall be paid for every such last-mentioned registration.

Penalty.

137. Whoever keeps, or is in possession of, a cart not duly registered as required by the three last preceding sections shall be liable to fine not exceeding three times the amount payable by him in respect of such registration, exclusive of the amount so payable ; and whoever, being the owner or driver of any cart, shall fail to affix thereto the registration number as required by section 133, shall be liable to a fine not exceeding five rupees.

Seizure and
sale of un-
registered
cart.

138. If any person owns or keeps any cart hereinbefore required to be registered without having caused the same to be registered, the Commissioners or any person authorized by them in that behalf, may seize and detain such cart (provided the same be not employed at the time of seizure in the conveyance of any passengers or goods), together with the animals drawing the same, and all police-officers are required, on the application of the Commissioners, or of any servant of the Commissioners duly authorized in that behalf, to assist in the said seizure.

After such seizure the Commissioners shall forthwith issue a notice in writing that, after the expiration of ten days, they will sell such vehicle and animals by auction at such place as they may state in the notice ; and if any registration fee, together with the cost arising from such seizure and custody, remains unpaid for ten days after the issue of such notice, the Commissioners may sell the property seized for payment of the said fee, and of all expenses occasioned by such non-payment, seizure, custody and sale.

Any balance that may remain out of the proceeds of the sale shall be returned, on demand, if made within twelve months, to the owner of the property, and, if unclaimed after such period, shall be credited to the municipal fund :

Provided that, if at any time before the sale is concluded, the person whose cart has been seized shall tender to the Commissioners, or the person authorized by them to sell the cart, the amount of all the expenses incurred, and the registration-fee payable by him, the Commissioners shall forthwith release the cart so seized.

Notwithstanding anything contained in this section, the surplus of the sale-proceeds of a cart seized under this section may be devoted to the payment of any fine imposed under the last preceding section ; and any cart which has been seized under this section may be sold for the realization of any such fine.

Of Tolls on Ferries

139. The Lieutenant Governor¹ may with the consent of the Commissioners make over to the Commissioners any existing public ferry, within or adjacent to the limits of the municipality to be administered by such municipality until the Lieutenant Governor¹ shall otherwise direct

Existing
public
ferries

Every ferry while so administered shall be deemed to be a municipal ferry, and the profits derivable therefrom or such part of the profits as the Lieutenant Governor¹ shall order shall be carried to the credit of the municipal fund

140. The Commissioners may also with the sanction of the Lieutenant Governor¹ declare that any other ferry within or adjacent to the limits of the municipality is a municipal ferry and the profits derivable therefrom shall henceforward be carried to the credit of the municipal fund

Other ferries
may be
declared to
be municipal

Provided that due compensation shall be made by the municipality to any person for the loss which he may have sustained in consequence of such ferry being declared to be a municipal ferry

The amount of compensation due in such cases shall be ascertained and awarded by the Magistrate under the provisions of section 4 of Bengal Act I of 1866² (to amend certain provisions of Regulation 6 of 1819) or any similar law for the time being in force

141. Every municipal ferry shall be maintained by the Commissioners and they shall do all things necessary to provide for the safety and convenience of travellers and the safety of property to be conveyed in such ferry

Duties of
Commissioners in
regard to
such ferries

142. When it has been determined to impose tolls on municipal ferries the Commissioners at a meeting shall make and publish an order specifying the ferries and with the sanction of the Lieutenant Governor¹ the rates at which such tolls shall be levied

Rate of toll
to be estab-
lished and
published

Such rates may from time to time be varied with the like sanction

143. No person shall be liable to pay any toll for crossing any river or stream at or near a municipal ferry unless he avails himself of the means provided by the Commissioners for crossing such river or stream

When per-
sons crossing
river not
liable to toll

144. Every lease of a ferry given by the Commissioners as hereinafter provided shall be liable to be cancelled at once if it shall appear to the Commissioners at a meeting that the lessee has failed to make due provision for the convenience or safety of the public within fifteen days after being required to do so by a notice in writing from the Commissioners

Cancellation
of ferry
lease etc

On the cancellation of a lease the Commissioners may take possession of all boats and other appliances which have been used by the lessee in the working of the ferry, and may either retain the same permanently on payment of a fair

¹ In Assam the Chief Commissioner of Assam—see the Bengal Bhar and Orissa and Assam Laws Act 1912 (VII of 1912) s 3 and Sch D Pt III ante

² Ben Act I of 1866 has been repealed in Assam by the Repealing and Amending Act, 1891 (XII of 1891)

for the current period of registration as the unexpired portion of the current period of registration bears to the whole of such period ; and such fee shall be calculated from the date on which such person may have become possessed as aforesaid.

transfer of
ownership.

136. When the ownership of any registered cart is transferred within any period of registration, it shall be registered anew within one month of the transfer in the name of the person to whom it has been transferred, and a fee not exceeding four annas shall be paid for every such last-mentioned registration.

penalty.

137. Whoever keeps, or is in possession of, a cart not duly registered as required by the three last preceding sections shall be liable to fine not exceeding three times the amount payable by him in respect of such registration, exclusive of the amount so payable ; and whoever, being the owner or driver of any cart, shall fail to affix thereto the registration number as required by section 133, shall be liable to a fine not exceeding five rupees.

seizure and
sale of un-
registered
cart.

138. If any person owns or keeps any cart hereinbefore required to be registered without having caused the same to be registered, the Commissioners or any person authorized by them in that behalf, may seize and detain such cart (provided the same be not employed at the time of seizure in the conveyance of any passengers or goods), together with the animals drawing the same, and all police-officers are required, on the application of the Commissioners, or of any servant of the Commissioners duly authorized in that behalf, to assist in the said seizure.

After such seizure the Commissioners shall forthwith issue a notice in writing that, after the expiration of ten days, they will sell such vehicle and animals by auction at such place as they may state in the notice ; and if any registration fee, together with the cost arising from such seizure and custody, remains unpaid for ten days after the issue of such notice, the Commissioners may sell the property seized for payment of the said fee, and of all expenses occasioned by such non-payment, seizure, custody and sale.

Any balance that may remain out of the proceeds of the sale shall be returned, on demand, if made within twelve months, to the owner of the property, and, if unclaimed after such period, shall be credited to the municipal fund :

Provided that, if at any time before the sale is concluded, the person whose cart has been seized shall tender to the Commissioners, or the person authorized by them to sell the cart, the amount of all the expenses incurred, and the registration-fee payable by him, the Commissioners shall forthwith release the cart so seized.

Notwithstanding anything contained in this section, the surplus of the sale-proceeds of a cart seized under this section may be devoted to the payment of any fine imposed under the last preceding section ; and any cart which has been seized under this section may be sold for the realization of any such fine.

Of Tolls on Ferries

139. The Lieutenant Governor¹ may, with the consent of the Commissioners make over to the Commissioners any existing public ferry within or adjacent to the limits of the municipality to be administered by such municipality until the Lieutenant Governor¹ shall otherwise direct

Existing
public
ferries

Every ferry while so administered shall be deemed to be a municipal ferry, and the profits derivable therefrom or such part of the profits as the Lieutenant Governor¹ shall order shall be carried to the credit of the municipal fund

140. The Commissioners may also with the sanction of the Lieutenant Governor¹ declare that any other ferry within or adjacent to the limits of the municipality is a municipal ferry and the profits derivable therefrom shall henceforward be carried to the credit of the municipal fund

Other ferries
may be
declared to
be municipal

Provided that due compensation shall be made by the municipality to any person for the loss which he may have sustained in consequence of such ferry being declared to be a municipal ferry

The amount of compensation due in such cases shall be ascertained and awarded by the Magistrate under the provisions of section 4 of Bengal Act I of 1866* (to amend certain provisions of Regulation 6 of 1819) or any similar law for the time being in force

141. Every municipal ferry shall be maintained by the Commissioners and they shall do all things necessary to provide for the safety and convenience of travellers and the safety of property to be conveyed in such ferry

Dut es of
Commis
sioners in
regard to
such ferries

142. When it has been determined to impose tolls on municipal ferries, the Commissioners at a meeting shall make and publish an order specifying the ferries and with the sanction of the Lieutenant Governor¹ the rates at which such tolls shall be levied

Rate of toll
to be estab
lished and
published

Such rates may from time to time be varied with the like sanction

143. No person shall be liable to pay any toll for crossing any river or stream at or near a municipal ferry unless he avails himself of the means provided by the Commissioners for crossing such river or stream

When per
sons cro
ssing
river not
liable to toll

144. Every lease of a ferry given by the Commissioners as hereinafter provided shall be liable to be cancelled at once if it shall appear to the Commissioners at a meeting that the lessee has failed to make due provision for the convenience or safety of the public within fifteen days after being required to do so by a notice in writing from the Commissioners

Cancellation
of ferry
lease etc

On the cancellation of a lease, the Commissioners may take possession of all boats and other appliances which have been used by the lessee in the working of the ferry and may either retain the same permanently on payment of a fair

¹ In Assam the Ch of Commis s oner of Assam—see the Bengal Bihar and Orissa and Assam Laws Act 1912 (VII of 1912) s 3 and Sch D Pt III ante

* Ben Act I of 1866 has been repealed in Assam by the Repealing and Amending Act, 1891 (VII of 1891)

price to the proprietor, or may retain them for such time as may be necessary not exceeding three months, until they can make arrangements for such other boats and appliances as may be necessary, in which case the Commissioners shall pay a fair price to the owners for the use of the said boats and appliances :

Provided that, within a week of taking such possession, the Commissioners shall be bound to give notice to the said lessee of their intention to retain the said boats and appliances permanently, or of the period during which they intend to retain them, as the case may be.

Toll must be prepaid.

145. Any collector or lessee of tolls, or his agent, may refuse to convey any person or goods across a municipal ferry until the proper toll has been paid, and may require any person who refuses to pay the toll to leave the boat and to remove his goods from it.

Penalty.

Any person who refuses to leave a municipal ferry-boat or to remove his goods therefrom when required to do so under this section shall be liable to a fine not exceeding ten rupees.

Keeping of unauthorized ferry.

146. No person shall keep a ferry-boat for the purpose of plying for hire within a distance of two miles above or below any municipal ferry without the previous sanction—

of the Commissioners, if he plies within the limits of the municipality,

of the Magistrate of the district,¹ if without such limits, or

of the Magistrate of the district¹ and the Commissioners, if one of the two banks between which he plies is within, and the other bank is without, such limits.

This section shall not apply to any private ferry which may be in existence at the commencement of this Act.

Penalty.

147. Whoever keeps a ferry-boat contrary to the provisions of the last preceding section shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been required by a notice in writing to desist from such offence.

Of Tolls on Bridges and Roads.

Existing toll-bars.

148. The Lieutenant-Governor² may, with the consent of the Commissioners, make over to the Commissioners any existing toll-bar within the limits of the municipality, to be administered by the municipality until the Lieutenant-Governor² shall otherwise direct; every toll-bar while so administered shall be deemed to be a municipal toll-bar, and the profits derivable from it, or such part thereof as the Lieutenant-Governor² shall direct, shall be carried to the credit of the municipal fund.

Commissioners may establish toll-bar.

149. The Commissioners at a meeting, with the sanction of the Lieutenant-Governor,² may establish a toll-bar and levy tolls on any bridge or metalled,

¹ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

² In Assam, the Chief Commissioner of Assam—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D. Pt. III ante.

road which they may have constructed after the commencement of this Act, or at any place within the municipality adjacent to such bridge or metalled road at which tolls may conveniently be levied on vehicles and animals passing over such bridge or road, and the profits derived therefrom shall be carried to the credit of the municipal fund

Provided that no such toll-bar shall be established or tolls levied, otherwise than for the purpose of recovering the expenses incurred in constructing such bridge or road, and in maintaining such bridge or road in repair for the five years next after the construction thereof, together with interest on such expenses as hereinafter provided

150. Whenever a toll-bar shall have been established, and tolls shall be levied as provided in the last preceding section, the Commissioners shall at the end of each year publish, by causing it to be posted up at their office, an abstract account showing—

Commissioners to publish expenses, etc., of toll bars

- (1) the amount of expenses incurred in the construction of such bridge or road, and in the maintenance of the same,
- (2) the amount of interest which has accrued due thereon, at the annual rate of six per centum, and
- (3) the amount which has been received from the profits of the said toll-bar since its establishment,

and, as soon as such expenses and interest shall have been recovered as aforesaid, such toll-bar shall be removed, and tolls shall no longer be levied on such bridge or road

151. When it has been determined that tolls shall be levied on any such bridge or road, the Commissioners at a meeting shall make and publish an order, with the sanction of the Lieutenant-Governor,¹ specifying the rates at which such tolls shall be levied

Rates of tolls to be established and published

Such rates may from time to time be varied with the like sanction

152. Any collector or lessee of tolls may refuse to allow any person to pass through any municipal toll-bar until the proper toll has been paid

Power of collector or lessee in case of refusal to pay toll
Penalty for refusing to pay or avoiding payment of toll

153. Whoever, having driven any vehicle or animal (not exempted from toll) through a toll-gate refuses to pay the toll or, with intent to evade payment of the toll, fraudulently avoids passing through such toll gate, shall be liable to a fine not exceeding fifty rupees

154. If the toll due on any vehicle or animal is not paid on demand, the person authorized to collect the same may seize such vehicle or animal, or any part of its burden, of sufficient value to defray the toll, and shall give immediate notice of such seizure to the Commissioners

In case of non payment of toll, vehicle, etc., may be seized and sold

¹ In Assam the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III ante

After such seizure the Commissioners shall forthwith issue a notice in writing that after the expiration of ten days they will sell the property seized by auction at such place as they may state in the notice; and if any toll, together with the cost arising from such seizure and custody, remain undischarged for ten days after the issue of such notice, the Commissioners may sell the property seized for discharge of the toll, and of all expenses occasioned by such non-payment, seizure, custody and sale.

Any balance that may remain out of the proceeds of the sale shall be returned, on demand, if made within twelve months, to the owner of the property, and if unclaimed after such period shall be credited to the municipal fund:

Provided that, if, at any time before the sale has been concluded, the person whose property has been seized shall tender to the Commissioners, or the officer appointed by them to sell the property, the amount of all the expenses incurred and of the toll payable by him, the Commissioners shall forthwith release the property seized.

Notwithstanding anything contained in this section, the surplus of the sale-proceeds of any property seized under this section may be devoted to the payment of any fine imposed under the last preceding section, and any property which has been seized under this section may be sold for the realization of any such fine.

Of General Provisions relating to Tolls on Ferries and Roads.

155. The Commissioners may grant a lease of any municipal ferry or toll-bar for any period not exceeding three years.

156. A table of tolls legibly written in the vernacular of the district shall be hung up—

in some conspicuous position at each end of every municipal ferry, and in some conspicuous position near every municipal toll-bar, so as to be easily read by all persons required to pay the toll.

157. Whoever, being a toll-collector or lessee of a municipal ferry or toll-bar, neglects to hang up a table of tolls as required by the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been required by a notice in writing to desist from such offence.

158. The Commissioners, or the lessee of any municipal ferry or toll-bar may compound with any person for a certain sum to be paid by such person for himself, or for any vehicles or animals kept by him, in lieu of the ordinary toll payable.

Lease of
ferry or toll-
bar.
Table of
tolls to be
hung up.

Penalty.

Composition
in respect of
toll.

159. No tolls shall be paid for the passage ¹ * * * Exemptions
of ² * * * Government stores,³ or the persons in
charge of them,

or of ⁴ * * police officers, or of any public or municipal officer
on duty, or of any person in their custody, or of any property belonging to
them or in their custody, or of any vehicle or animal employed by such persons
for the transport of such property,

or of conservancy carts or other vehicles, or animals belonging to the Com-
missioners, or of the persons in charge of them,

⁵ * * * * *

Provided that tolls shall be leviable for conveying such animals ⁶ over
a ferry;

and the Commissioners or their lessees shall not be bound to allow any
person or thing not specified above to cross a ferry or to pass a toll-gate with-
out payment of the prescribed toll,

but the Commissioners at a meeting may exempt⁷ any other class of
persons or things from payment of the said toll, and, in granting a lease of any
ferry or toll-bar, may stipulate that any municipal servants and property
and any other persons or things shall be allowed to pass without payment
of the toll.

160. In all cases of resistance to the person authorized to collect tolls, Police
police officers shall assist when required, and for that purpose shall have the ^{Police officers to assist}
same powers as they have in the exercise of their ordinary police duties

161. Whoever, being authorized under this Act to collect tolls, demands ^{Penalty for}
or takes any higher tolls than the tolls authorized under this Act, shall be ^{taking an}
liable to a fine not exceeding fifty rupees, and in default of payment to one ^{authorized}
month's imprisonment ^{tolls}

Of tolls on Navigable Channels

162. If the Lieutenant-Governor⁸ has declared that the provisions of the ^{Commission-}
Canals Act, 1864,⁹ or any other similar law for the time being in force, are ^{ers may be}
applicable to any navigable channel which passes through the limits of a ^{appointed to}
^{collect tolls}
^{in a navigable}
^{channel}

¹ The words "of troops on the march, or of animals or vehicles employed in the transport of
such troops, or," were repealed by the Indian Tolls (Army) Act, 1901 (II of 1901), and are
omitted

², ⁴ The words "military or" were repealed by the same Act, and are omitted

³ In so far as s 159 relates to any Government stores which are exempted by s 3 of

repealed by the same Act, and are omitted

⁶ In so far as this proviso relates to any animals which are exempted by s 3 of the
Indian Tolls (Army) Act, 1901 (II of 1901), it has been repealed by s 8 of that Act

⁷ For further exemptions from tolls, see the Indian Tolls (Army) Act, 1901 (II of 1901),
ss 3, 4, in Genl Acts, Vol V

⁸ In Assam, the Chief Commissioner, see the Bengal, Bihar and Orissa and Assam Laws
Act 1912 (VII of 1912), s 3 and Sch D, Pt III

⁹ Ben Act V of 1864 has been repealed in Assam by the Repealing and Amending Act,
1897 (V of 1897)

municipality, he may, with the consent of the Commissioners, appoint the Commissioners to collect tolls as provided in section 8 of the said Act until the Lieutenant-Governor¹ shall otherwise direct, and the profits derivable therefrom, or such part thereof as the Lieutenant-Governor¹ may direct, shall be carried to the credit of the municipal fund.

In such case the Commissioners shall exercise all the powers vested by such Act in the Collector.

163. The Lieutenant-Governor¹ may at any time order that the Commissioners, or any person authorized by them, shall cease to levy any tolls under the last preceding section, and may at any time withdraw such order :

Provided that reasonable compensation shall be paid by the Commissioners to any farmer or other person who has entered into a legal contract with the Commissioners for the collection of such tolls, and whose profits under such contract are diminished by an order of the Lieutenant-Governor¹ passed under this section.

PART V. ²

OF THE MUNICIPAL POLICE.

164. All police-officers appointed or employed in any municipality shall be appointed under the provisions of Act 5 of 1861³ (*for the regulation of police*) or of any similar Act for the time being in force for the regulation of the police in the police-district within which the municipality may be situated, and shall be deemed to be a portion of the police-establishments under the Government of Bengal,¹ and shall be subject to the provisions of any such Act, except as hereinafter provided.

165. Except as provided in the next succeeding section, no police-officer, who forms part of the strength of the municipal police for which the estimate mentioned in section 167 may have been calculated, shall be liable to serve beyond the limits of the municipality save in execution of duties imposed on him by his employment as a police-officer of such municipality.

166. Whenever it shall appear to the Magistrate or to the District Superintendent of Police that it is necessary, for peace and good management of the district in which any municipality is situated or of any other district, that one or more members of the municipal police-force shall be specially deputed to any duty beyond the limits of such municipality, not being a duty imposed on him or them by their employment as police-officers of such municipality, the Magistrate or District Superintendent may depute such member or members to such duty, which they shall be bound to perform :

¹ In Assam, the Chief Commissioner of Assam—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Seh. D, Pt. III *ante*.

² As to the application of this Part to unions, see s. 348, *post*.

³ The Police Act, 1861. Genl. Acts, Vol. I.

Lieutenant-Governor may order Commissioners to cease levying tolls.

Police in municipalities to be appointed under Act V of 1861.

Police paid under Act not to be employed beyond municipality.

Conditions under which police may be deputed beyond municipal limits.

Provided that, during such deputation, the District Superintendent of Police shall make due provision for the efficient performance of police duties within the municipality

In case of and during such deputation the salaries of the members of the police so deputed and all other expenses incurred by their deputation, shall be paid by the Local Government¹ and not by the Commissioners

167. From the commencement of this Act, every District Superintendent of Police shall prepare in such form as may be directed by the Lieutenant Governor,² an estimate of the income and expense of the police force in every municipality within his district for the year next following the preparation of such estimate and shall present the same to the Commissioners of such municipality at least four months before the beginning of the year to which the estimate relates

Preparation
of police
estimate

168. The police estimate shall show the number constitution and salaries of the police force to be maintained in any such municipality

Contents of
estimate

169. After the receipt of the police estimate the Commissioners shall cause the same to be translated into the language usually spoken in such municipality, and such translation shall be made available for inspection by any taxpayer. The estimate shall also be laid before the Commissioners at their next meeting for consideration

Estimate to
be translated
and consi-
dered by
Commission-
ers

170. After such meeting the Commissioners shall transmit the police estimate, together with any remarks or objections which the Commissioners at the meeting may record to the Magistrate of the district³ for transmission to the Commissioner of the Division, and by him to the Lieutenant Governor¹

Estimate to
be transmit-
ted to Magis-
trato and
Commissioner
of Division

171. The Lieutenant-Governor¹ shall consider the police estimate so transmitted to him, and may approve, reject or modify, and approve as modified, the same or any part thereof

Lieutenant
Governor to
decide on
estimate

The Lieutenant Governor¹ shall also determine whether the whole, or some and what, part, of the expense of the police provided for in such estimate shall be borne by the municipality to which the same refers

Provided that the expense so to be borne by any municipality in which the tax on persons is in force shall not exceed for a first class municipality, the average rate of one rupee and eight annas in the year, and, for a second class municipality, the average rate of one rupee and four annas in the year, for each holding in respect of the occupation of which the tax is imposed

and provided that the expense so to be borne by any municipality in which the tax on the value of holdings is in force shall not exceed five per centum on the total annual value of such holdings

172. So much of the police estimate as the Lieutenant-Governor¹ may determine to be borne by any municipality shall, for the purposes of this Act,

Amount of
estimate to
be deemed
expense of
police force.

¹ In Assam, the Chief Commissioner—see the Bengal Bihar and Orissa and Assam Laws Act 1912 (VII of 1912) s 3 and Sch D Pt III ante

² In Assam the Deputy Commissioner—see the Assam Local Statutory Rules and Orders Suppl. 1901 p 12

be the expense of the police to be borne by such municipality for the year for which the police-estimate shall have been presented.

The amount which may be finally settled shall be entered in the estimates of the municipality as prepared under section 64.

Police to be paid monthly.

173. At the close of each month, the District Superintendent of Police shall cause to be prepared and laid before the Commissioners a bill showing the actual expenses incurred during the month in the payment of the police-force, and the contingent expenses thereof; and, so far as the same is in accordance with the police-estimate, the Commissioners shall cause the amount or the share thereof which is payable by them under the last preceding section, to be paid from the municipal fund.

Magistrate may be vested with functions of District Superintendent.

174. The Lieutenant-Governor¹ may at any time direct that the Magistrate in charge of any division of a district shall be deemed to be the District Superintendent of Police in respect of the police of any municipality within his division, or may direct that such Magistrate shall exercise any of the functions of District Superintendent of Police in regard to the police of any such municipality.

175, 176. [*Police in suburbs of Calcutta.*] Omitted as being inapplicable to Assam.

PART VI.

OF MUNICIPAL REGULATIONS WHICH SHALL BE GENERALLY IN FORCE IN ALL MUNICIPALITIES.

General.

Operation of this Part.

177. The provisions of this Part shall be in force in every municipality unless and until the Lieutenant-Governor¹ shall otherwise direct.

Lieutenant-Governor may order provisions of this Part to be not in force in a municipality.

178. The Lieutenant-Governor¹ may at any time make an order directing that all or any of the said provisions shall not be in force in any municipality, or in any part thereof; and the provisions mentioned in such order shall cease to be in force in such municipality or part thereof from the date specified in such order.

179. The Lieutenant-Governor¹ may at any time cancel or modify any order made under this section.

Procedure when owners or occupiers required to execute works by Commissioners.

179. Whenever it is provided in this Part or in Part VII that the Commissioners, or the Commissioners at a meeting, may require the owners or the occupiers, or may require the owners and the occupiers, of any land to execute any work or to do anything within a specified time, such requisition shall be made, as far as possible, by a notice to be served as provided in sections 367 and 368

¹ In Assam, the Chief Commissioner of Assam—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III *ante*.

on every owner or occupier who is required to execute such work or to do such thing, but if there be any doubt as to the persons who are owners or occupiers such requisition may be made by a notification to be posted up on or near the spot at which the work is required to be executed or the thing done, requiring the owners or the occupiers or requiring the owners and occupiers to execute such work or to do such thing within a specified time and in such notification it shall not be necessary to name the owners or occupiers

Every requisition as aforesaid shall give notice to the persons to whom it is addressed that if they fail to comply with the requisition or to prefer an objection against such requisition as provided in the next succeeding section, the Commissioners will enter upon the land and cause the required work to be executed or the required thing to be done and that in such case the expenses incurred thereby will be recovered from the persons who are required in such requisition to execute such work or do such thing

180. Any person who is required by a requisition as aforesaid to execute any work or to do anything may, instead of executing the work or doing the thing required prefer an objection in writing to the Commissioners against such requisition within five days of the service of the notice or posting up of the notification containing the requisition, or if the time within which he is required to comply with the requisition be less than five days then within such less time

Person required to execute any work may prefer objection to the Commissioners

Except as provided in the next succeeding section such objection shall be heard and disposed of by the Chairman or Vice chairman

181. If the objection shall allege that the cost of executing the work or of doing the thing required will exceed three hundred rupees such objection shall be heard and disposed of by the Commissioners at a meeting unless the Chairman or Vice chairman shall certify that such cost will not exceed three hundred rupees, in which case the objection shall be heard and disposed of by the Chairman or Vice chairman

Procedure if person objecting alleges that work will cost more than Rs 300

Provided that in any case in which the Chairman or Vice chairman shall have certified his opinion as aforesaid, and the objection shall in consequence thereof have been heard and disposed of by the Chairman or Vice chairman, the person making the objection may, if the requisition made upon him is not withdrawn on the hearing of his objection pay in the said sum of three hundred rupees to the Commissioners as the cost of executing the work or the thing required, whereupon such person shall be relieved of all further liability and obligation in respect of executing the work or doing the thing required, and in respect of paying the expenses thereof, and the Commissioners themselves shall execute such work, or do such thing and shall exercise all powers necessary therefor

182. The Chairman or Vice chairman or the Commissioners at a meeting, as the case may be, shall, after hearing the objection and making any inquiry which they may deem necessary, record an order withdrawing, modifying or making absolute the requisition against which the objection is preferred and,

Chairman etc may make order after hearing objection

if such order does not withdraw the requisition, it shall specify the time within which the requisition shall be carried out, which shall not be less than the shortest time which might have been mentioned under this Act in the original requisition.

Order to be explained orally.

183. If the person making such objection be present at the office of the Commissioners, the said order shall be explained to him orally; and, if such order cannot be so explained, notice of such order shall be served as provided in section 367 on the person making the objection, and such explanation of, or service of the notice of, the said order shall be deemed a requisition duly made under this Act to execute the work or do the thing required.

Power of Commissioners on failure of person to execute work.

184. If the person or persons required to execute the work or to do the thing fail, within the time specified in any requisition as aforesaid, to begin to execute such work or to do such thing, and thereafter diligently to continue the same to the satisfaction of the Commissioners until it is completed, the Commissioners or any person authorized by them in that behalf may, after giving forty-eight hours' notice of their intention by a notification to be posted up, on or near the spot, enter upon the land and perform all necessary acts for the execution of the work or doing of the thing required; and the expenses thereby incurred shall be paid by the owners or by the occupiers, if such requisition was addressed to the owners or to the occupiers, respectively, and by the owners and the occupiers, if such requisition was addressed to the owners and the occupiers.

Commissioners may apportion expenses among owners.

185. Whenever any expenses incurred by the Commissioners are to be paid by the owners of any land as provided in the last preceding section, the Commissioners may, if there be more than one owner, apportion the said expenses among such owners in such manner as to the Commissioners may seem fit.

And whenever any such expenses are to be paid by the occupiers of any land, as provided in the last preceding section, the Commissioners may, if there be more than one occupier, apportion the said expenses among such occupiers in such manner as to the Commissioners may seem fit.

Apportionment among owners and occupiers.

186. Whenever any expenses incurred by the Commissioners are to be paid by the owners and occupiers of any land, as provided in section 184, the Commissioners may apportion the said expenses among the said owners and occupiers in such manner as to the Commissioners may seem fit.

Recovery of expenses incurred or fee chargeable.

187. Any expenses incurred, or fee chargeable, by the Commissioners under this Part or Part VII may be recovered from the person liable to pay the same as an arrear of tax under sections 111 to 120 (both inclusive).

The demand for such expenses or fee shall be made by notice at any time within three months from the date on which the amount thereof shall have been ascertained.

Occupier may recover cost of works executed at his expense from owner.

188. Whenever any works or any alterations and improvements, of which the Commissioners are authorized by this Part or Part VII to require the execution, are executed by the occupier on the requisition of the Commissioners, or are executed by the Commissioners, and the cost thereof is recovered from

the occupier, the cost thereof may, if the Commissioners shall certify that such cost ought to be borne by the owner, be deducted by such occupier, from the next and following payments of his rent due or becoming due to such owner, or may be recovered by him in any Court of competent jurisdiction

189. Any owner or occupier of land may contest his liability to pay any expenses or fees under this Part or Part VII or may contest the amount which he has been called upon to pay in a Civil Court of competent jurisdiction

Liability to pay expenses or fees may be contested in Civil Court

Provided that the fact of such action having been instituted shall be no bar to the recovery of the said amount in the manner provided by section 187

190. Where any damages or compensation are by this Chapter directed to be paid by the Commissioners the amount and if necessary the apportionment of the same, in case of dispute, shall be ascertained and determined by a Civil Court of competent jurisdiction

Damages and compensation how to be determined

191. In any such case which is to be determined by such Court such Court may, on the application of either party summon the other party to appear at a time and place to be named in such summons

Method of proceeding before the Court

Upon the appearance of the parties or in the absence of any of them, upon proof of due service of the summons such Court may hear and determine such question, and for that purpose may examine such parties or any of them and their witnesses on oath or affirmation and the costs of every such inquiry shall be in the discretion of such Court which shall determine the amount thereof

192. If the amount of damages or compensation ascertained in the manner above described be not paid by the party liable to pay the same within seven days after demand such amount may be recovered under a warrant of such Court by distress and sale of the moveable property of such party, and the surplus arising from the sale thereof after satisfying such amount and the costs of the distress and sale, shall be returned on demand to the party whose property shall have been distrained

Recovery of damages by distress

Of Offensive Matter, Rubbish, Privies and Drains

193. The Commissioners shall provide all establishments, cattle, carts and implements required for the removal of offensive matter and rubbish

Establishments for removal of offensive matter and rubbish
Hours and mode of removal of offensive matter and rubbish

194. The Commissioners at a meeting may, from time to time, by an order published as prescribed in section 365 appoint the hours within which it shall be lawful to remove offensive matter and the manner in which the same shall be removed, and may provide places convenient for the deposit thereof, and may require the occupiers of houses to cause the same to be deposited daily or at other stated intervals, in such places, and may remove the same at the expense of the occupier from any house if the occupier thereof fails to do so in accordance with this Act

Mehtors must give one month's notice if they leave the service of the Commissioners.

195. Whenever such order shall have been published, no mehter, nightman or other servant of the Commissioners employed to remove offensive matter shall withdraw from his duties without the permission of the Commissioners, unless he has given notice in writing not less than one month previously of his intention so to withdraw.

Any mehter, nightman, or other such person who, after the said publication, withdraws from his duties without giving such notice as aforesaid, shall be liable to rigorous imprisonment for a term not exceeding one month, and shall forfeit all salary which may be due to him.

Commissioners may appoint hours for placing rubbish on public road.

196. The Commissioners at a meeting may, from time to time by an order published as prescribed in section 365, appoint the hours within which only every occupier of any house or land may place rubbish on the public road adjacent to his house or land in order that such rubbish may be removed by the Commissioners, and the Commissioners may charge such fees as they may think fit in respect of the removal of such house rubbish, with the consent of the occupier of any house or land, from such house or land, or in respect of the removal from such public road of any rubbish which has accumulated in the exercise of a trade or business.

Penalty.

197. Whenever any order as provided in the last preceding section shall have been published in a municipality, every occupier of any house or land who shall place, or who shall allow his servants to place, rubbish on a public road at other than the appointed times shall be liable to a fine not exceeding twenty rupees.

Penalty on occupier of a house not removing filth.

198. Whoever, being the occupier of a house in or near any public road keeps or allows to be kept for more than twenty-four hours, otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil or filth, or any noxious or offensive matter, in or upon such house, or in any out-house, yard or ground attached to and occupied with such house, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse the same, shall be liable to a fine not exceeding fifty rupees.

Drains, privies, etc., under control of Commissioners.

199. All drains, privies and cess-pools shall be under the survey and control of the Commissioners.

Inspection of drains, privies and cess-pools.

200. The Commissioners, or any officer authorized by them in that behalf, may inspect all privies, drains and cess-pools at any time between sunrise and sunset, after six hours' notice in writing to the occupier of any premises in which such privies, drains or cess-pools are situated, and may, if necessary, cause the ground to be opened where they or he may think fit for the purpose of preventing or removing any nuisance arising from such privies, drains or cess-pools; and the expenses thereby incurred shall be paid by the owner or occupier of such premises.

Common privies.

201. The Commissioners may provide and maintain, in sufficient numbers and in proper situations, common privies and urinals for the separate use of

each sex, and shall cause the same to be kept in proper order and to be properly cleansed

202. The Commissioners may license such necessities for public accommodation as they from time to time may think proper, and whoever shall keep any public necessary without such license, or having a license for a public necessary shall suffer the same to be in a filthy or noxious state, or shall neglect to employ proper means for cleansing the same, shall be liable to a fine not exceeding fifty rupees, and such license may be withdrawn

Licensing of public necessities

203. Whoever, being the owner or occupier of any private drain, privy or cess pool, shall neglect or refuse, after warning from the Commissioners, to keep the same in a proper state, shall be liable to a fine not exceeding fifty rupees

Penalty for not keeping drain, etc., in proper state

204. Whenever any land being private property, or within any private enclosure, appears to the Commissioners, by reason of thick or noxious vegetation or jungle, to afford facilities for the commission of a nuisance, or by want of drainage to be in a state injurious to health or offensive to the neighbourhood, the Commissioners may require the owners or occupiers, or the owners and occupiers of such land, within fifteen days, to clear and remove such vegetation or drain such land

Power to require owners to clear noxious vegetation and to improve bad drainage

Provided that, if for the purpose of effecting any drainage under this section, it shall be necessary to acquire any land not being the property of the person who is required to drain his land, or to pay compensation to any other person, the Commissioners shall provide such land and pay such compensation

205. Whoever, being an owner or occupier of land, fails to comply with the requisition mentioned in the last preceding section shall be liable to a fine not exceeding one hundred rupees, and to a further fine not exceeding twenty rupees for each day during which the offence is continued after he has been convicted of such offence

Penalty.

206. All rubbish and offensive matter collected by the Commissioners from roads, privies, sewers, cess pools and other places shall be the property of the Commissioners, who shall have power to sell or otherwise dispose of the same, and the money arising from the sale thereof shall be carried to the credit of the municipal fund

All rubbish collected to be the property of municipal Commissioners

207. All existing public sewers, drains and other conservancy works shall be under the direction and control of the Commissioners, who shall have power to construct any further works of that nature which they may consider necessary

Sewers, drains, etc., under control of the Commissioners

Of Bathing and Washing Places and Tanks

208. All streams, channels, water-courses, tanks, reservoirs, springs and wells, not being private property, shall for the purposes of this Act be under the direction and control of the Commissioners

All public streams, etc., to be under direction and control of the Commissioners

Bathing
places, etc.

209. The Commissioners may, by order published at such places as they may think fit, set apart convenient tanks, or parts of rivers, streams or channels, not being private property, for the supply of water for drinking and for culinary purposes, and may prohibit therein all bathing, washing of clothes and animals, or other acts calculated to pollute the water set apart for the purposes aforesaid ;

and may similarly set apart a sufficient number of the same for the purposes of bathing ;

and a sufficient number for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants.

Penalty.

210. Whoever disobeys an order passed by the Commissioners under the last preceding section shall be liable to a fine not exceeding fifty rupees.

Power to
require un-
wholesome
tanks on
private
premises to
be cleansed
or drained.

211. The Commissioners at a meeting may require the owners or occupiers or the owners and occupiers, of any land, within eight days, to cleanse any private tank or pool therein, and to drain off and remove any waste or stagnant water which may appear to be injurious to health or offensive to the neighbourhood :

Provided that, if for the purpose of effecting any drainage under this section, it shall be necessary to acquire any land, not being the property of the person who is required to drain his land, or to pay compensation to any other person, the Commissioners shall provide such land and pay such compensation.

Penalty.

212. Whoever, being an owner of land, fails to comply with a requisition under the last preceding section shall be liable to a fine not exceeding one hundred rupees, and to a further fine not exceeding twenty rupees for each day during which the offence is continued after he has been convicted of such offence.

Of Obstructions and Encroachments on Roads.

Power to
close a road
or part of a
road for re-
pairs, or
other public
purpose

213. The Commissioners may close temporarily any road or part of a road for the purpose of repairing such road, or for the purpose of constructing any sewer, drain, culvert or bridge, or for any other public purpose.

Whenever, owing to such repairs or constructions, or from any other cause, any road or part of a road shall be in a state which is dangerous to passengers, the Commissioners shall cause sufficient barriers or fences to be erected for the security of life and property, and shall cause such barriers or fences to be sufficiently lighted from sunset to sunrise.

Penalty for
erecting ob-
struction on
road, drain,
etc.

214. Whoever, without the permission of the Commissioners, by making any excavation or erecting any wall, fence, rail, post or other obstruction, encroaches upon any drain, sewer or aqueduct, shall be liable to a fine, not exceeding fifty rupees.

Removal of
future ob-
structions
or encroach-
ments in
road.

215. The Commissioners may issue a notice requiring any person to remove any wall which he may have built, or any fence, rail, post or other obstruction or encroachment, which he may have erected in or on any road or open drain, sewer or aqueduct, after the date on which the District Municipal Improve-

ment Act, 1864¹, or the District Towns Act, 1868¹, as the case may be, took effect in the municipality, or in case neither of the said Acts was in force in the municipality before the commencement of this Act then after the date on which this Act may have been extended thereto and if such person shall fail to comply with such requisition within eight days of the receipt of the same, the Magistrate may, on the application of the Commissioners, order that such obstruction or encroachment be removed and thereupon the Commissioners may remove any such obstruction or encroachment, and the expenses thereby incurred shall be paid by the person who erected the same

No person shall be entitled to compensation in respect of the removal of any wall, fence, rail, post or other obstruction under this section

216. Whoever fails to comply with a requisition under the last preceding Penalty. section, within the period specified in such requisition, shall be liable to a fine not exceeding fifty rupees, and to a further fine not exceeding ten rupees, for each day after the expiration of eight days from the issue of such requisition, until the wall, fence, rail, post or other obstruction or encroachment is removed

217. If the person who built or erected the said wall, fence, rail, post or other obstruction or encroachment is not known or cannot be found, the Commissioners may cause a notice to be posted up in the neighbourhood of the said wall, fence, rail, post or other obstruction or encroachment, requiring any person interested in the same to remove it, and it shall not be necessary to name any person in such requisition, and if the said wall, fence, rail, post or other obstruction or encroachment be not removed in compliance with the requisition contained in such notice within eight days of the posting up of the same, the Magistrate may, on the application of the Commissioners, order that such obstruction or encroachment be removed, and thereupon the Commissioners may remove any such obstruction or encroachment, and may recover the cost of such removal by sale of the materials so removed

Any surplus of such sale-proceeds shall on demand be restored to the owners of such materials, and, if unclaimed, shall, after the lapse of one year, be carried to the credit of the municipal fund

218. The Commissioners may give notice in writing to the owner or occupier of any house requiring him to remove or alter any projection, encroachment or obstruction erected or placed against or in front of such house which may have been so erected or placed after the date on which the District Municipal Improvement Act, 1864¹ or the District Towns Act, 1868,¹ as the case may be, took effect in the municipality, or, in case neither of the said Acts was in force in the municipality before the commencement of this Act, then after the date on which this Act may have been extended thereto, if the same overhangs the road, or juts into, or in any way projects or encroaches upon, or is an obstruction to the safe and convenient passage along, any road,

Procedure when person who erected obstruction cannot be found

Projections from houses erected in future to be removed

¹ Ben. Acts III of 1864 and VI of 1868 have been repealed by s. 2 of this Act.

Bathing
places, etc.

209. The Commissioners may, by order published at such places as they may think fit, set apart convenient tanks, or parts of rivers, streams or channels, not being private property, for the supply of water for drinking and for culinary purposes, and may prohibit therein all bathing, washing of clothes and animals, or other acts calculated to pollute the water set apart for the purposes aforesaid ;

and may similarly set apart a sufficient number of the same for the purposes of bathing ;

and a sufficient number for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants.

Penalty.

210. Whoever disobeys an order passed by the Commissioners under the last preceding section shall be liable to a fine not exceeding fifty rupees.

Power to
require un-
wholesome
tanks on
private
premises to
be cleansed
or drained.

211. The Commissioners at a meeting may require the owners or occupiers or the owners and occupiers, of any land, within eight days, to cleanse any private tank or pool therein, and to drain off and remove any waste or stagnant water which may appear to be injurious to health or offensive to the neighbourhood :

Provided that, if for the purpose of effecting any drainage under this section, it shall be necessary to acquire any land, not being the property of the person who is required to drain his land, or to pay compensation to any other person, the Commissioners shall provide such land and pay such compensation.

Penalty.

212. Whoever, being an owner of land, fails to comply with a requisition under the last preceding section shall be liable to a fine not exceeding one hundred rupees, and to a further fine not exceeding twenty rupees for each day during which the offence is continued after he has been convicted of such offence.

Of Obstructions and Encroachments on Roads.

Power to
close a road
or part of a
road for re-
pairs, or
other public
purpose

213. The Commissioners may close temporarily any road or part of a road for the purpose of repairing such road, or for the purpose of constructing any sewer, drain, culvert or bridge, or for any other public purpose.

Whenever, owing to such repairs or constructions, or from any other cause, any road or part of a road shall be in a state which is dangerous to passengers, the Commissioners shall cause sufficient barriers or fences to be erected for the security of life and property, and shall cause such barriers or fences to be sufficiently lighted from sunset to sunrise.

Penalty for
erecting ob-
struction on
road, drain,
etc.

214. Whoever, without the permission of the Commissioners, by making any excavation or erecting any wall, fence, rail, post or other obstruction, encroaches upon any drain, sewer or aqueduct, shall be liable to a fine, not exceeding fifty rupees.

Removal of
future ob-
structions
or encroach-
ments in
road.

215. The Commissioners may issue a notice requiring any person to remove any wall which he may have built, or any fence, rail, post or other obstruction or encroachment, which he may have erected in or on any road or open drain, sewer or aqueduct, after the date on which the District Municipal Improve-

ment Act, 1864¹, or the District Towns Act, 1868¹, as the case may be, took effect in the municipality, or in case neither of the said Acts was in force in the municipality before the commencement of this Act, then after the date on which this Act may have been extended thereto and, if such person shall fail to comply with such requisition within eight days of the receipt of the sum, the Magistrate may, on the application of the Commissioners order that such obstruction or encroachment be removed and thereupon the Commissioners may remove any such obstruction or encroachment, and the expenses thereby incurred shall be paid by the person who erected the same

No person shall be entitled to compensation in respect of the removal of any wall, fence, rail, post or other obstruction under this section

216. Whoever fails to comply with a requisition under the last preceding Penalty. section, within the period specified in such requisition, shall be liable to a fine not exceeding fifty rupees, and to a further fine not exceeding ten rupees, for each day after the expiration of eight days from the issue of such requisition, until the wall, fence, rail post or other obstruction or encroachment is removed

217. If the person who built or erected the said wall fence, rail, post or other obstruction or encroachment is not known or cannot be found, the Commissioners may cause a notice to be posted up in the neighbourhood of the said wall fence, rail, post or other obstruction or encroachment, requiring any person interested in the same to remove it, and it shall not be necessary to name any person in such requisition, and if the said wall, fence, rail, post or other obstruction or encroachment be not removed in compliance with the requisition contained in such notice within eight days of the posting up of the same, the Magistrate may, on the application of the Commissioners, order that such obstruction or encroachment be removed, and thereupon the Commissioners may remove any such obstruction or encroachment, and may recover the cost of such removal by sale of the materials so removed

Any surplus of such sale-proceeds shall on demand be restored to the owners of such materials, and, if unclaimed, shall, after the lapse of one year, be carried to the credit of the municipal fund

218. The Commissioners may give notice in writing to the owner or occupier of any house requiring him to remove or alter any projection, encroachment or obstruction erected or placed against or in front of such house which may have been so erected or placed after the date on which the District Municipal Improvement Act, 1864¹ or the District Towns Act, 1868¹ as the case may be, took effect in the municipality, or, in case neither of the said Acts was in force in the municipality before the commencement of this Act, then after the date on which this Act may have been extended thereto, if the same overhangs the road, or juts into, or in any way projects or encroaches upon, or is an obstruction to the safe and convenient passage along, any road,

Procedure when person who erected obstruction cannot be found

Projections from houses erected in future to be removed

¹ Ben. Acts III of 1864 and VI of 1868 have been repealed by s. 2 of this Act.

or obstructs or projects or encroaches into or upon any aqueduct, drain or sewer in such road ;

and, if such owner or occupier shall fail to comply with such requisition within eight days of the receipt of the same, the Magistrate may, on the application of the Commissioners, order that such projection, encroachment or obstruction be removed, or altered ; and thereupon the Commissioners may remove or alter such projection, encroachment or obstruction, and the expenses thereby incurred shall be paid by the owner or occupier so making default.

No person shall be entitled to compensation in respect of the removal of any projection, obstruction, or encroachment under this section.

Penalties.

219. Whoever fails to comply with a requisition under the last preceding section, within the period specified in such requisition, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day after the expiration of eight days from the issue of such requisition, until the projection, encroachment or obstruction is removed.

Effect of
order made
under
sections
215, 217, 218.

220. Every order made by the Magistrate under section 215, section 217 or section 218 shall be deemed to be an order made by him in the discharge of his judicial duty, and the Commissioners shall be deemed to be persons bound to execute such orders of a Magistrate within the meaning of Act 18 of 1850¹ (*for the protection of Judicial Officers*).

Houses pro-
jecting be-
yond line of
road when
taken down
to be set
back.

221. Whenever any house, part of which projects beyond the regular line of a road, or beyond the front of the house on either side thereof, shall be burnt down or otherwise destroyed, or shall be taken down in order to be rebuilt or repaired, the Commissioners may require the same to be set back to or beyond the line of the road, or the line of the adjoining house, and shall make reasonable compensation to the owner of such house for any damage he may thereby sustain.

Power to
trim hedges
and trees
bordering
roads.

222. The Commissioners may require the owner or occupier of any land within three days to trim or prune the hedges bordering on any road, and to cut and trim any trees overhanging any road and obstructing the same or causing damage thereto.

Penalty.

223. Whoever fails to comply with a requisition under either of the two last preceding sections shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which he fails to obey such order after he has been required to obey the same.

Of General Conservancy and Improvement.

Wells, tanks,
etc., to be
secured.

224. If any well, tank or other excavation, whether on public or private ground, be, for want of sufficient repairs or protection, dangerous to passengers, the Commissioners shall forthwith, if it appears to them to be necessary, cause a temporary hoard or fence to be put up for the protection of passengers, and may require the owners or occupiers, or the owners and occupiers, of the

¹ The Judicial Officers' Protection Act, 1850. Genl. Acts, Vol. I.

land on which such tank, well or other excavation is situated, forthwith properly to secure or protect such well, tank or other excavation

225. Whoever fails to comply with a requisition under the last preceding Penalty section shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence

226. If any house, wall, structure or anything affixed thereto, be deemed by the Commissioners to be in a ruinous state or in any way dangerous, they shall forthwith, if it appears to them to be necessary, cause a proper hoard or fence to be put up for the protection of passengers, and may require the owners or occupiers, or the owners and occupiers, of the land to which such house, wall or structure is affixed, forthwith to cause such repairs to be made to such house, wall or structure as they may consider necessary for the public safety, or to remove such house, wall, structure or thing affixed thereto

Houses etc.,
in a ruinous
or dangerous
state

227. Whoever fails to comply with a requisition under the last preceding Penalty section shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding twenty rupees, for each day after the expiration of eight days from the issue of the requisition until the said house, wall or structure is secured or taken down

228. If the Commissioners shall have caused any repairs to be made to any house or other structure, and if such house or other structure be unoccupied, the Commissioners may enter upon possession of the same, and may retain possession thereof until the sum expended by them on the repairs be paid to them

Power to
enter upon
possession of
houses so
repaired

229. The materials of anything which shall have been pulled down or removed under the provisions of section 226 may be sold by the Commissioners, and the proceeds of such sale may be applied, so far as the same will extend, to the payment of the expenses incurred

Sale of materials of
houses etc.,
pulled down

Any surplus of such sale-proceeds shall on demand be restored to the owner of such materials, and, if unclaimed, shall, after the lapse of three years, be carried to the credit of the municipal fund

230. The Commissioners, or the Magistrate of the district¹ or of the division, may by published order appoint from time to time certain periods within which any dogs without collars, or other marks distinguishing them as private property, found straying in the roads or beyond the enclosures of the houses of the owners of such dogs, may be destroyed, and such dogs may be destroyed in accordance with such order

Stray dogs
to be killed
at certain
appointed
periods

231. The Commissioners at a meeting may offer rewards for the destruction of wild animals within the limits of a municipality

Commissioners may offer
rewards for
destruction
of wild
animals.

¹ In Assam the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl. 1, 1901, p. 12

Names of
roads and
numbers of
houses

Penalty.

232. The Commissioners at a meeting may cause a name to be given to any road and to be affixed in such place as they may think fit, and may also cause a number to be affixed to every house; and in like manner may from time to time cause such names and numbers to be altered.

Whoever destroys, pulls down or defaces any such name, or puts up any name different from that put up by order of the Commissioners, shall be liable to a fine not exceeding twenty rupees.

PART VII.

OF CERTAIN MUNICIPAL REGULATIONS WHICH MAY BE EXTENDED TO ANY MUNICIPALITY BY EXPRESS ORDERS OF THE LIEUTENANT-GOVERNOR.¹

General.

Operation of
this Part.

233. No provision contained in this Part shall apply to any municipality unless and until it has been expressly extended thereto by the Lieutenant-Governor¹ in the manner provided by the next succeeding section.

Lieutenant-
Governor
may order
provisions of
this Part to
be in force.

234. The Lieutenant-Governor¹ may, on the recommendation of the Commissioners at a meeting, order that all or any of the said provisions of this Part shall be in force in any municipality; and may, on such recommendation, order that any place in a municipality be excluded from the operation of the said provisions.

Publication
of order.

Such order shall be published in the Calcutta Gazette,² and the Commissioners shall, within fifteen days of such publication, cause a copy of the same, with a translation thereof into the vernacular, to be posted up at their office, with a notice of the date on which such order shall take effect, and shall cause the same to be published as prescribed in section 365;

and the said provisions shall come into force in the municipality from the date so fixed:

Provided that the date so fixed shall not be less than fifteen days after the publication under the said section, and shall not be more than three months after the publication of the order of the Lieutenant-Governor¹ as aforesaid in the Calcutta Gazette.²

The Lieutenant-Governor¹ may at any time cancel or modify an order made under this section.

Of Privies, Drains and Excavations.

Commission-
ers may re-
quire owner
or occupier
to repair
drain, etc.

235. The Commissioners may require the owners or occupiers, or the owners and occupiers, of any land, within fifteen days, to repair and make efficient

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III, *ante*.

² In Assam, the Assam Gazette—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D., Pt. III, *ante*.

any drain, privy or cess-pool, or to close any cess pool, which is situated on such land

236. Whoever, without the permission of the Commissioners, throws or puts, or permits his servants to throw or put, any offensive matter or the dead body of any animal on to any road, or who throws or puts, or permits his servants to throw or put, any earth, rubbish or offensive matter or dead bodies of animals into any sewer or drain belonging to the Commissioners, or into any drain communicating therewith shall be liable to a fine not exceeding twenty five rupees for every such offence

Penalty for throwing rubbish into sewers

237. Whoever causes or allows the water of any sink, sewer or cess-pool or any other offensive matter belonging to him or being on his land to run, drain or be thrown or put upon any road, or causes or allows any offensive matter to run, drain or be thrown into a surface drain near any road, shall be liable to a fine not exceeding twenty five rupees for every such offence

Penalty for allowing water of any sink etc., or offensive matter to run or drain on any road

238. Every person constructing a privy shall have such privy shut out by a sufficient roof, and wall or fence, from the view of persons passing by or residing in the neighbourhood and the Commissioners may require any owner or occupier of land on which a privy stands to cause the same to be shut out from view as aforesaid within fifteen days

Privies must be properly enclosed

239. Any person constructing a privy and failing to have it shut out from view as aforesaid shall be liable to a fine not exceeding twenty rupees, and any person failing to comply with a requisition under the last preceding section shall be liable to a fine not exceeding twenty five rupees and to a further fine, not exceeding five rupees, for every day during which the offence is continued after the expiration of the time specified in the said notice

Penalties

240. If any person, without the written consent of the Commissioners first obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Commissioners, the Commissioners may cause such branch drain to be demolished, altered, or made or otherwise dealt with as they shall think fit,

Unauthorised drains leading into public sewers may be demolished

and the expenses thereby incurred shall be paid by the person making or altering such branch drain

241. Whoever, without the written consent of the Commissioners previously obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Commissioners by this Act, shall be liable to a fine not exceeding fifty rupees

Penalty for altering or making unauthorised drains leading into public sewers

242. If any land, being within one hundred feet of a sewer, drain or other outlet into which such land may, in the opinion of the Commissioners, be drained, is not drained to the satisfaction of the Commissioners, the Commissioners may require the owner within one month to drain the said land into such sewer, drain or outlet

Commissioners may require owner to drain land

243. If it appear to the Commissioners that a group or block of houses may be drained or improved more economically or advantageously in com-

Group or block of houses etc.

may be drained by a combined operation.

bination than separately and a sewer, drain or other outlet already exists within one hundred feet of any part of such group or block of houses, the Commissioners may cause such group or block of houses to be drained and improved by a combined operation ;

and the expenses thereby incurred shall be recovered from the owners of such houses in such proportions as shall to the Commissioners seem fit.

Commissioners may alter any drain, etc., made contrary to their orders.

244. If any branch drain, privy or cess-pool be constructed contrary to the directions and regulations of the Commissioners or contrary to the provisions of this Act, or if any person, without the consent of the Commissioners, constructs, rebuilds or unstops any branch drain, privy or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, the Commissioners may cause such amendment or alteration to be made in any such drain, privy or cess-pool as they think fit, or may cause the same to be removed ;

and the expenses thereby incurred shall be paid by the person by whom such drain, privy or cess-pool was improperly constructed, rebuilt or unstopped.

Penalty for persons making or altering drains contrary to the orders of the Commissioners.

245. Whoever constructs any such drain, privy or cess-pool, contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this Act, or, without the consent of the Commissioners, constructs, rebuilds or unstops any drain, privy or cess-pool which has been ordered by them to be demolished or stopped up or not to be made, shall be liable to a fine not exceeding fifty rupees.

No latrine to be constructed within fifty feet of a tank.

246. No person shall, without the written permission of the Commissioners, construct or keep any latrine, urinal, cess-pool, house-drain, or other receptacle for filth, sewage, house-drainage, or other offensive matter within fifty feet of any public tank, or a tank which the inhabitants of any locality are entitled to use.

The Commissioners may require any owner and occupier upon whose land any latrine, urinal, cess-pool, house-drain or other receptacle so situated exists, or may hereafter be constructed, to remove the same within eight days.

Construction of privy.

247. No person shall, without the written permission of the Commissioners, construct a privy with a door or trap-door opening on to any road or drain. The Commissioners may require any owner or occupier upon whose land any such privy exists to remove the same within eight days.

Penalties.

248. Any person constructing a latrine, urinal, cess-pool, house drain or privy in contravention of the provisions of either of the two last preceding sections shall be liable to a fine not exceeding twenty-five rupees ; and any person failing to comply with any requisition under the said sections shall be liable to a fine not exceeding twenty-five rupees, and to a further fine, not exceeding five rupees, for each day during which the offence is continued after he has been required by a notice in writing to desist from the offence.

Power to prohibit excavations.

249. The Commissioners at a meeting may by a general order prohibit the making of excavations for the purpose of taking earth therefrom, or for

the purpose of storing rubbish or filth therein, and the digging of cess-pools, tanks or pits, without special permission previously obtained from them

If any such excavation, cess-pool, tank or pit is made after the issue and publication of such order without such special permission, the Commissioners may require the owners and occupiers of the land on which such excavation, cess-pool, tank or pit is made, within eight days, to fill up such excavation

250 Whoever shall dig or make, or cause or suffer to be dug or made, ^{Penalty} therein, any such excavation, cess-pool, tank or pit without the written permission of the Commissioners, shall be liable to a fine not exceeding twenty-five rupees for every such offence

Of Obstructions and Encroachments on Roads

251. The Commissioners at a meeting may determine on the removal or alteration, as they shall think fit, of any projection encroachment or obstruction which may have been erected or placed against, or in front of, any house on any road within the limits of the municipality, before the date on which the District Municipal Improvement Act, 1864¹, or the District Towns Act, 1868,¹ as the case may be, took effect in the municipality, or, in case neither of the said Acts was in force in the municipality before the commencement of this Act, then before the date on which this Act may have been extended thereto

Notice in writing shall be given to the owner or occupier of such house requiring him to remove or alter the said projection, encroachment or obstruction, or to show cause before the Commissioners why he should not be required so to do, and, if such owner or occupier shall fail to comply with such requisition within thirty days of the receipt of the same, or if, after such owner or occupier shall have shown cause against being required to remove or alter the said projection, encroachment or obstruction, the Commissioners shall make an absolute order directing such removal or alteration, and such owner or occupier shall fail to comply with such order within fifteen days of the date of the same, the Magistrate may, on the application of the Commissioners, order such projection, encroachment or obstruction to be removed or altered, and thereupon the Commissioners may remove or alter such projection, encroachment or obstruction

The Commissioners shall make reasonable compensation to every person who suffers damage by any removal or alteration under this section

In determining the amount of compensation, the value of the land shall not be taken into consideration

252. Every order made by the Magistrate under the last preceding section shall be deemed to be an order made by him in the discharge of his judicial duty, and the Commissioners shall be deemed to be persons bound to execute such orders of a Magistrate within the meaning of Act 18 of 1850² (for the protection of Judicial Officers)

¹ Ben. Acts III of 1864 and VI of 1868 have been repealed by s. 2 of this Act.

² The Judicial Officers' Protection Act, 1850 Genl. Acts, Vol. I.

Leave to deposit materials on, or to excavate or close, a road.

253. The Commissioners may grant permission to any person to deposit any moveable property on any road, or to make an excavation in any road or to enclose the whole or any part of any road, and may charge such fees as they may fix for such permission :

Provided that such person undertakes to erect sufficient fences to protect the public from injury, danger or annoyance, and to light such fences from sunset to sunrise sufficiently for such purpose.

Hoards to be set up during repairs.

254. Every person intending to build or take down any house, or to alter or repair the outward part of any house, shall, if any public road will be obstructed or rendered inconvenient by means of such work, before beginning the same, cause sufficient hoards or fences to be put up, in order to separate the house where such works are being carried on from the road, and shall keep such hoard or fence standing and in good condition, to the satisfaction of the Commissioners, during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night :

Provided that no person shall put up a hoard or fence without the written permission of the Commissioners, and shall not keep up the said hoard or fence for a time longer than allowed in the said written permission.

Penalty.

255. Every person who begins to build, or to take down or alter, or repair, any house contrary to the provisions of the last preceding section, or who, without license, erects or sets up any hoard, scaffolding or fence whatsoever, or who, being licensed, fails to put up such fence or hoard, or to continue the same standing, or to maintain the same in good condition, or who does not, while such hoard or fence is standing, keep the same sufficiently lighted during the night, or who does not remove the same within eight days, when directed by the Commissioners, shall be liable to a fine not exceeding fifty rupees for every such offence, and a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

Of Building Regulations.

Roofs and external walls not to be made of inflammable materials.

256. The Commissioners at a meeting may direct that within certain limits to be fixed by them, the external roofs and walls of huts or other buildings which are about to be erected, or the roofs or walls of which are about to be renewed or thoroughly repaired, shall not be made of grass, leaves, mats or other inflammable materials.

Notice of new buildings to be given to the Commissioners.

257. Before beginning, within the limits of any municipality, to build or rebuild any house, the person intending to build or rebuild such house shall give to the Commissioners notice thereof in writing, and shall accompany such notice with a plan, showing the levels and width at which the foundation and lowest floor of such house are proposed to be laid, by reference to some level ascertained under the direction of the Commissioners.

Commissioners to signify

258. Within fourteen days after receiving such notice as is mentioned in the last preceding section, the Commissioners shall signify their approval of the proposed levels and width of foundation, or, if they disapprove thereof,

they shall fix other levels and width of foundation in lieu thereof within the same time

dis approval within four teen days

259. If such building as is mentioned in section 257 be begun or made without sending such notice and plan as are mentioned in the said section, or at any levels different from those fixed by the Commissioners within the said fourteen days, or in any other respect contrary to the provisions of this Act the Commissioners may require the owner or occupier to cause such building to be altered or demolished as the case may require

Houses built witho " notice, or contrary to provisions of this Act may be altered by the Com- missioners If Commis- sioners fail to signify approval etc within fourteen days parties may proceed without

260. If the Commissioners fail to signify in writing their approval or dis approval of the levels and width of foundation shown on such plan as is men tioned in the last preceding section, and to fix other levels and width of foun dation within fourteen days after receiving such notice and plan as aforesaid the person giving such notice may notwithstanding anything hereinbefore contained, proceed to build or rebuild the house therein referred to according to the levels and width of foundation shown on such plan

Provided that such building or rebuilding be otherwise in accordance with this Act

The word " house ' in this and the three last preceding sections does not include a hut

261. It shall not be lawful for any person to erect a hut or any range or block of huts or sheds or to add any hut or shed to any range or block already existing, without previous notice to the Commissioners and the Commis sioners may require such huts or sheds to be built so that they may stand in regular lines with a free passage or way in front of and between every two lines of such width as they may think proper for ventilation and to facilitate scavengering and with such number of privies and with such means of drainage as to them may seem necessary, and at such a level as will admit of such drainage and with a plinth at least two feet above the level of the nearest street

Erection of new huts to be under the control of the Commis sioners

262. If any such huts or sheds be built without giving such notice to the Commissioners or otherwise than as required by the Commissioners the Com missioners may require the owners of the land on which such huts and sheds are built, and the occupiers of such huts and sheds, to take down and remove the same within one month, or to effect such alterations as they may deem necessary

Power to direct removal of huts built without notice

263. Whoever erects a hut or any range or block of huts or shed, or adds to any hut or shed or to any range or block already existing, contrary to the provisions of section 261, and whoever fails to remove such hut, block of huts or shed when required by the Commissioners to do so, shall be liable to a fine not exceeding twenty rupees for every such offence, and to a further fine, not exceeding five rupees, for each day during which the offence is continued after he has been convicted of such offence

Penalty.

Of Sanitary Measures with regard to Blocks of Huts.

Power of Commissioners as to inspection of huts.

264. Whenever the Commissioners at a meeting are satisfied from inspection or by report of competent persons that any existing block of huts within the municipality is, by reason of the manner in which the huts are constructed or crowded together, or of the want of drainage and the impracticability of scavengering, attended with risk of disease to the inhabitants or the neighbourhood, they may cause the locality to be inspected by two medical officers, who shall make a report in writing on the sanitary condition of the said block of huts, and shall specify, if necessary, in the said report the huts which should be removed, the roads, drains and sewers which should be constructed, and the low lands which should be filled up, with a view to the removal of the said risk of disease.

On receipt of report, Commissioners may cause notice to be served.

265. On receipt of the said report the Commissioners at a meeting may require the owners or occupiers of the huts or, at the option of the Commissioners, the owner of the land on which such huts are built, to carry out and execute, within a reasonable time, to be fixed by the Commissioners for such purpose, all or any of the works specified in the aforesaid report or any portion thereof respectively.

Expenses may be recovered by instalments or remitted in case of poverty.

266. The Commissioners at a meeting may order that any expenses payable in respect of any work done by them in consequence of the failure of the owners or occupiers to execute such work, when required to do so under the last preceding section, shall be recovered by instalments from the person liable to pay the same; or, if it should appear to them that the said person is unable by reason of poverty to pay the same, may order the same, or any portion thereof, to be paid out of the municipal fund.

Sale of huts.

267. If any of the said huts be pulled down, the Commissioners shall cause the materials of each hut to be sold separately, if such sale can be effected and the proceeds shall be paid to the owner of the hut, or, if the owner be unknown, or the title disputed, shall be held in deposit by the Commissioners until the person interested therein shall obtain the order of a Civil Court of competent jurisdiction for the payment of the same.

If Commissioners fail to act, Lieutenant-Governor may take steps.

268. In case the Commissioners should omit to take any action under sections 264 and 265, or in the opinion of the Lieutenant-Governor¹ should fail to give proper effect to the provisions thereof, the Lieutenant-Governor¹ may cause any block of huts to be inspected by the Sanitary Commissioner of Bengal,² who shall make a report in writing to the Lieutenant-Governor¹ on the sanitary condition of the locality, and, in the event of his reporting that the sanitary condition of the locality is such as to be attended with risk of disease to the inhabitants or the neighbourhood, shall specify the huts

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III, *ante*.

² In Assam, such officer as the Chief Commissioner of Assam may by notification in the local official Gazette direct—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912) s. 3, and Sch. D, Pt. III, cl. 24. For such notification see Assam Gazette, 1912, Pt. I, pp. 3, 4.

which should be removed, the roads, drains and sewers which should be constructed and the low lands which should be filled up, with a view to the removal of the said risk of disease

269. On receipt of the said report the Lieutenant Governor¹ may order the Commissioners to require the owners or occupiers of the huts or the owner of the land on which such huts are built, to carry out and execute, within a reasonable time, to be fixed by the Lieutenant-Governor¹ for such purpose, all or any of the works specified in the said report, or any portion thereof respectively, and a requisition made by the Commissioners in accordance with such order shall be deemed to be a requisition made under section 265

On receipt of report Lieutenant Governor may order Commissioners to serve notice on owners

270. If the Commissioners make default in carrying out the said order of the Lieutenant Governor,¹ the Lieutenant-Governor¹ may appoint some officer to perform the same, and such officer may exercise such powers as the Commissioners or the Commissioners at a meeting might have exercised in respect of the execution of the required works, and in respect of the recovery of the expenses incurred thereby, and shall be liable to all or any of the obligations imposed upon the Commissioners by section 267 and the expenses incurred by such officer in the execution of the said works shall, subject to the provisions of section 266 be paid by the owners or occupiers of the huts, or the owner of the land as the Lieutenant Governor¹ may direct

If Commissioners make default in carrying out order Lieutenant Governor may carry it out

Of the Regulation of the Sale of Food Drink and Drugs

271. Every owner, or occupier or farmer of any place for the sale of meat, poultry, fish or vegetables or of any slaughter house within the limits of a municipality, shall cause such drains to be made therein as shall be considered sufficient by the Commissioners and (if required so to do by the Commissioners) shall cause all the floors and drains to be paved with stone or burnt brick, and shall also cause a supply of water to be provided, sufficient for keeping such place or slaughter house in a clean and wholesome state

Markets slaughter houses, etc., to be properly drained

272. If such owner occupier or farmer, after notice in writing given to him by the Commissioners that such place or slaughter house is defective in any of the said particulars, and requiring him to remedy the defect specified within not less than thirty days, makes default therein, he shall be liable to a fine not exceeding twenty rupees for every day during which such default is continued after issue of the said notice

Penalty

273. Any Magistrate, on the application of the Commissioners or any of their officers setting forth that there is just cause to believe that any article, which has been rendered or has become noxious or unfit for use as food or drink for man, is in the possession of any person for the purpose of being sold or offered or exposed for sale, within the limits of a municipality, as food or drink for man

Sale of unwholesome food or drink,

¹ In Assam the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (XII of 1912) s. 3, and Sch. D, Pt. III, ante

may grant a warrant to enter upon the premises of such person, and to search for and seize such article :

and, if it appear to the said Magistrate that the same is noxious or unfit for such use, he shall order it to be forfeited and disposed of in such way as to him shall seem proper.

Power to Commissioners to enter and inspect markets, shops, etc., and to seize unwholesome articles exposed for sale.

274. The Commissioners, or any person authorized by them in that behalf, may at all reasonable times enter into and inspect any market, buildings, shop, stall or place used for the sale of meat, poultry, fish, vegetables, corn, bread, flour, wine, spirits, butter, ghee or other food or drink, or as a slaughter-house, and may examine any of the aforesaid articles of food or drink which may be therein ; and in case any of the aforesaid articles of food or drink appear to be intended for the food or drink of man, and to be unfit for such food or drink, may seize the same ;

and, if it appear to a Magistrate that any of the aforesaid articles of food or drink is unfit for the food or drink of man, he shall order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such food.

No place to be kept for the sale of drugs unless registered.

275. No place shall be kept for the sale of drugs unless the same shall have been registered in the office of the Commissioners.

Penalty.

276. Whoever uses any such place as is mentioned in the last preceding section without the same being registered shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Inspection of drugs.

277. The Commissioners, or any person authorized by them in that behalf, may, at all reasonable times, enter into and inspect any place kept for the sale of drugs, or in which drugs are sold, and, if they have reason to suspect that any drug in the said place is adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, may remove the same on giving a receipt therefor specifying the nature and quantity of the drug removed, and its approximate value ; and, if it appear to a Magistrate that the said drug removed as aforesaid is adulterated as aforesaid, he may order the same to be destroyed, or to be so disposed of as to him may seem fit.

Compensation if drug be not adulterated

If it shall appear to the said Magistrate that the drug so removed is not adulterated as aforesaid, the person from whose shop or place it has been taken shall be entitled to have it restored to him, and it shall be in the discretion of the said Magistrate to award him such compensation as he may think proper, not exceeding the actual loss which has been sustained.

If the drug removed as aforesaid is not brought before a Magistrate, it shall be restored to the person from whose shop or place it was taken, and such person shall be entitled to compensation for any actual loss which he may have sustained by the removal of the said drug.

Of Burial and Burning Grounds

278. Within three months from the date on which this and the six next succeeding sections may come into force as provided in section 234, every place which is used as a burial or burning ground for corpses shall be registered as such by the owner thereof in the office of the Commissioners, but no fee shall be charged for such registry

Registration of existing burial and burning grounds

279. No burial or burning ground, whether public or private, shall be made or formed, or, having lapsed into disuse, shall be again used as such, otherwise than with the permission of the Commissioners, or under the authority of the Lieutenant-Governor¹

No burial or burning place henceforth to be formed without leave of Government or of Commissioners

280. If it shall appear to the Commissioners at a meeting that any public or private burial or burning ground is dangerous to health or offensive to the tax payers or to the inhabitants of the neighbourhood, and also that a suitable place for interment or burning, as the case may be, exists within a convenient distance, and is open and available to the inhabitants of the municipality, the Commissioners shall give public notice of their intention to close such burial or burning ground, and shall consider any objections which may be preferred within fifteen days of the publication of such notice, after considering such objections, they may, with the sanction of the Commissioner of the Division, previously obtained, by notification to be affixed on some conspicuous part of the ground, appoint a time not being less than two months for the closing of such burial or burning ground

Commissioners may order certain burial or burning grounds to be closed

If any building is attached to, and used in connection with a burning-ground closed under this section, the Commissioners shall, if the owner of such building make an application to them in that behalf, take over the same on payment of a fair price therefor

281. After the expiration of the three months as mentioned in section 278, no corpse shall be buried or burnt otherwise than in a place which is borne on the register of the Commissioners as an open burial or burning ground, but the Commissioners may grant special permission for a corpse to be buried or burnt elsewhere

Prohibition to bury or burn in unregistered ground

282. Whoever, after the expiration of the period mentioned in the last preceding section, knowingly buries or burns, or causes, procures or suffers to be buried or burned, any corpse in or on any ground not registered as a burial or burning ground, shall be liable to a fine not exceeding one hundred rupees

Penalty

283. The Commissioners at a meeting may, from time to time, out of the municipal fund, with the sanction of the Lieutenant-Governor,¹ provide fitting places to be used as burial or burning grounds

Commissioners may provide places to be used as burial or burning grounds

¹ In Assam the Chief Commissioner—see the Bengal Bihar and Orissa and Assam Laws Act, 1912 (V II of 1912), s. 3, and Sch. D, Pt. III, ante

Commissioners may provide for burial of paupers free of charge.

284. The Commissioners at a meeting may, from time to time, out of the municipal fund, provide for the burial and burning of paupers, free of charge, within the limits of the municipality.

Of certain Offensive and Dangerous Trades or Occupations.

Certain offensive and dangerous trades not to be established within limits to be fixed by the Commissioners without license.

285. Within such local limits as may be fixed by the Commissioners at a meeting, no place shall be used without a license from the Commissioners, which shall be renewable annually, for any of the following purposes, namely :—

melting tallow ;

boiling offal or blood ;

skinning or disembowelling animals ;

as a soap-house, oil-boiling-house, dyeing house ;

as a tannery, slaughter-house, or kiln for making bricks, pottery, tiles or lime ;

as a manufactory or place of business from which offensive or unwholesome smells may arise ;

as a yard or dépôt for trade in hay, straw, wood, thatching-grass, jute or other dangerously inflammable material ;

as a store-house for kerosine, petroleum, naphtha or any inflammable oil, spirit or explosive substance ;

as a shop for the sale of meat ; or

as a serai.

Such license shall not be withheld unless the Commissioners have reason to believe that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in or frequenting the immediate neighbourhood.

The Commissioners may impose such conditions in respect of such license as they may think necessary.

This section shall not be applicable, until the expiration of one year from the date on which it may come into force as provided in section 234, to any land which may have been used for any such purpose before such date.

Penalty.

286. Whoever, without a license uses any place for any of the aforesaid purposes within the limits of a municipality after the expiration of the said time shall be liable to a fine not exceeding fifty rupees for every such offence and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

Commissioners may, in certain cases, order the use of slaughter-houses, and the carrying on of dangerous and offensive trades, to be discontinued.

287. If it be shown to the satisfaction of the Commissioners at a meeting that any place licensed under section 285, or that any place in respect of which the period of one year as mentioned in the said section has not expired, is a nuisance to the neighbourhood, they may, notwithstanding anything contained in the said section, give notice to the occupier to discontinue the use of such place within one month after the date of such notice.

288. Whoever, after the expiration of such time, uses such place, or permits it to be used, in such a manner as to be a nuisance to the neighbourhood, shall be liable to a fine not exceeding two hundred rupees, and to a further fine not exceeding forty rupees, for each day during which the offence is continued after he has been convicted of such offence Penalty.

289. Within such limits as the Commissioners at a meeting may determine, no milkman, cartman, hvery stable keeper, or keeper of hackney carriages shall keep any horses, ponies or horned cattle exceeding ten heads for the purposes of trade or of husmess except in a place licensed by the Commissioners Milkman, &c., not to keep animals or cattle without license

Such license shall be taken out half-yearly, in the first and seventh month in every year

It shall be in the discretion of the Commissioners in meeting to grant any such license subject to such conditions as they may think fit

290. Whoever, being a milkman, cartman, hvery stable-keeper or keeper of hackney carriages, keeps any horses, ponies or horned cattle within such limits without such license, and contrary to the provisions of the last preceding section shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence Penalty.

291. Whoever, being the holder of a license under section 289, breaks the conditions of such license, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence Penalty

292. Within such limits as the Commissioners may direct, no person shall keep any pig sty^e not being shut out from a road by a sufficient wall or fence, and no person shall keep within such limits more than ten pigs, or more than twenty sheep or goats, otherwise than with the written permission of the Commissioners Regarding pig styes, sheep and cattle

The Commissioners may charge an annual fee, not exceeding two rupees, for such permission, and may impose such conditions in respect of such permission as they may think necessary

293. Whoever keeps any pig sty^e, pigs, sheep or goats, contrary to the provisions of the last preceding section, shall be liable to a fine not exceeding fifty rupees and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence Penalty

294. Any Magistrate before whom any person is convicted of an offence contrary to the provisions of this Act relating to the use of any place for a purpose for which a license is required, or of the non-observance of any of the by laws relating thereto made under this Act, in addition to the fine which may be imposed on such person under this Act, may suspend, for any period not exceeding two months, any such license, Suspension or revocation of license, etc

and the Commissioners, upon the conviction of any person for a second or other subsequent like offence, may cancel his license

PART VIII.

OF THE REGISTRATION OF BIRTHS AND DEATHS.

Registration
of births and
deaths.

295. Every municipality, when required by the Lieutenant-Governor¹ to do so shall provide for the registration of births and deaths within the limits of its jurisdiction in accordance with the provisions of Bengal Act 4 of 1873² (*for registering births and deaths*) or any other similar Act for the time being in force.

On requisition of Government, Commissioners to appoint sub-registrars at burning-ghâts and burial-grounds.

296. The Lieutenant-Governor¹ may require the Commissioners of any municipality to appoint and maintain at each burning-ghât and burial-ground for natives a sub-registrar for the registration of all corpses brought to such burning ghât or burial-ground for cremation or interment.

Information required by Bengal Act IV of 1873 to be given to such sub-registrars.

297. Whenever a sub-registrar shall have been appointed for any burning-ghât or burial-ground under the last preceding section, information of the particulars required by section 8 of Bengal Act 4 of 1873² to be known and registered may be given in respect of the death of any person whose body is brought to such burning-ghât or burial-ground for cremation or interment to such sub-registrar, and information so given shall be deemed to be information given to the registrar of the district as required by the said section.

Section 9 of Bengal Act 4 of 1873² shall be applicable to all sub-registrars appointed under this Act.

Information of deaths in hospitals.

298. Whenever a death shall occur in any hospital within the limits of any municipality in respect of which the Lieutenant-Governor¹ has directed that all deaths shall be registered under Bengal Act 4 of 1873,² it shall be the duty of the medical officer in charge of such hospital forthwith to send a notice in writing of the occurrence of such death to the Commissioners in such form as the Lieutenant-Governor¹ may prescribe; and in such case no other person shall be required to give information of such death to a registrar under Bengal Act 4 of 1873,² or to a sub-registrar under this Act.

PART IX.

OF MUNICIPAL MARKETS.

Operation of this Part.

299. This Part shall not apply to any municipality until it has been expressly extended thereto by the Lieutenant-Governor¹ by notification in the Calcutta Gazette.³

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III.

² The Bengal Births and Deaths Registration Act, 1873. It is printed *ante*.

³ In Assam, the Assam Gazette—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III.

300. The Commissioners at a meeting may, with the sanction of the Lieutenant Governor,¹ and not otherwise, provide land for the purpose of being used as municipal markets, and may defray the cost of providing such land and of all expenses necessary for the establishment of such markets from the municipal fund, and may take a lease of any market,

Power to construct markets

and may with such sanction, charge rent, tolls and fees for the right to expose goods for sale in such markets, and for the use of shops, stalls and standings therein

All such rents tolls and fees may be recovered as arrears of tax under the provisions of sections 111 to 120 (both inclusive)

301. All rents tolls, fees and other sums received in respect of any market shall be credited to a separate fund, distinct from the municipal fund, which shall be styled "the—Market Fund" and all expenses incurred in respect of the market shall be charged against such fund

Market fund.

Every sum expended from the municipal fund under the provisions of this section on any market shall until such sum be repaid be treated as a hook debt against the market fund bearing interest at the rate of five per centum per annum, and such interest shall be charged against the market fund and credited to the municipal fund as soon as possible after the close of each year

Interest on sums expended from municipal fund on markets

302. No place shall be deemed to be a municipal market for which the sanction of the Lieutenant-Governor¹ is required under section 300, and no place shall be deemed to be a market to which the following sections apply, unless at least thirty shops, stalls or standings are erected thereon for the sale of goods

Definition of 'municipal market'

303. The Commissioners at a meeting may order that, within such limits as they may fix, no land shall be used as a market for the sale of meat, fish, butter, ghee, fruits, vegetables and similar provisions otherwise than under a license to be granted by the Commissioners

Commissioners may prohibit use of unlicensed markets

304. When the Commissioners at a meeting shall have issued an order under the last preceding section, they may at a meeting grant a license for the use of any land as a market for the sale of provisions as aforesaid within the municipality

Power to grant licenses for markets

305. Every license granted under this Part shall be granted without fee, and shall be in force until the end of the year, and the Commissioners may grant such license, year by year, on the certificate in writing under the hand of the Chairman, annually renewed, that the land is fit to be used as a market for the sale of provisions as aforesaid

Duration of licenses and terms on which granted

306. The Chairman, upon the application in writing of the owner of any land, shall grant such certificate, unless the land be defective for the purposes of a market in drainage, ventilation, water supply or proper width of paths and ways

Chairman bound to certify fit places

¹ In Assam, the Chief Commissioner—see the Bengal Bihar and Orissa and Assam Laws Act, 1912 (XII of 1912), s. 3 and Sch. D Pt. III, ante

Existing
markets

307. The owners or lessees of all land used as markets for the sale of provisions as aforesaid at the time of the extension of this Part to the Municipality shall be entitled to receive a license for the current year without the certificate required by section 305, but in subsequent years the license shall not be renewed without such certificate.

Licenses to
be regis-
tered.

308. Every license under this Part shall be registered in a book to be kept for that purpose by the Commissioners in their office, in which shall be stated—

- (a) the name and address of the owner of the land and market ;
- (b) the name and address of the lessee thereof, if any ;
- (c) the extent and boundary of the market ;
- (d) the description of articles sold therein ; and
- (e) the days on which the market will be held.

Transfers to
be registered.

309. Every transfer of interest in any such market shall be registered within two months after the date of transfer.

Unregistered
markets to
be deemed
unlicensed.
Penalty for
using unli-
censed
market.

310. Any market, the license of which, or the transfer of interest in which, shall not have been duly registered under the two last preceding sections, shall be deemed to be land used as a market without a license.

311. Whoever, being the owner or occupier of any land, wilfully or negligently permits the same to be used as a market for the sale of meat, fish, butter, ghee, fruits, vegetables or similar provisions without a license under section 304, shall be liable to a fine not exceeding two hundred rupees for every such offence, and to a further fine, not exceeding forty rupees, for each day during which the offence is continued after conviction for such offence.

Power to
close unli-
censed
places.

312. The Magistrate, on the application of the Commissioners, may order any land, in respect of which a conviction shall have been obtained under the last preceding section, to be closed as a market-place, and thereupon may appoint persons, or otherwise take order, to prevent such land being so used ; and every person who shall sell or expose for sale meat, fish, butter, ghee, fruits, vegetables or similar provisions on any land which shall have been so closed, shall be liable, for every such offence, to a fine not exceeding ten rupees.

PART X.

OF BY-LAWS AND MISCELLANEOUS MATTERS RELATING TO MUNICIPALITIES.

By-laws
in a first class
municipality.

313. The Commissioners of any municipality may from time to time, at a meeting which has been convened expressly for the purpose, and of which due notice shall have been given, make by-laws, not inconsistent with the provisions of this Chapter for—

- (a) regulating the conduct of business at their meetings ;
- (b) regulating the time and mode of collecting the taxes mentioned in this Chapter ;
- (c) regulating the conduct of persons employed by them ;

- (d) the prevention of the construction or opening of cess-pools ;
- (e) regulating the disposal of offensive matter, rubbish and dead bodies of animals ,
- (f) the regulation and management of privies ,
- (g) regulating traffic in the streets ,
- (h) regulating or prohibiting the use of fire balloons, fire-works, fire arms or other missiles in the vicinity of public roads ,
- (i) the registration of births and deaths , and
- (j) generally for the purposes of this Chapter

And the Commissioners of any municipality to which Part IX may have been extended may similarly make by-laws for the regulation of markets

The Commissioners may from time to time, at a meeting as aforesaid, repeal, alter or add to such by-laws

Provided that no fee or toll which is not expressly sanctioned by this Act shall be levied under any such by law

314. No by law, and no repeal, alteration of, or addition to, any by law, shall have effect until the same has been confirmed by the Lieutenant-Governor,¹ of by laws and until the expiration of one month after the same has been published as provided by section 365, and no by-law, and no alteration of, or addition to, any by-law, shall be sanctioned by the Lieutenant-Governor¹ otherwise than on the recommendation of the Commissioners at a meeting

315. The Commissioners at a meeting may, with the sanction of the Lieutenant-Governor,¹ declare the penalties which shall be incurred by the breach of any by-law, and any person committing a breach of any by-law shall be liable to the penalty so declared Penalties for breach of by laws

Provided that no higher penalty shall be incurred by the breach of any by law than a fine of fifty rupees for every offence specified thereby, and a further fine of ten rupees for each day during which the offence is continued after the offender has been required by a notice in writing to desist from such offence

316. The Commissioners may direct any prosecution for any public nuisance, and may order proceedings to be taken for the recovery of any penalties under this Chapter, and for the punishment of any persons offending against the same, and may order the expenses of such prosecution or other proceedings to be paid out of the municipal fund Commissioners may direct prosecution for public nuisance.

317. No prosecution for an offence under this Chapter or any by-law made in pursuance thereof shall be instituted without the order or consent of the Commissioners, and no such prosecution shall be instituted except within three months next after the commission of such offence, unless the offence is continuous in its nature, in which case a prosecution may be instituted within three months of the date on which the commission or existence of the offence was first brought to the notice of the Chairman of the Commissioners No prosecution for an offence under this Act to be instituted without consent of Commissioners.

¹ In Assam the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912) s. 3, and Sch. D, Pt. III, ante

Provided that the failure to take out any license under this Chapter shall be deemed to be a continuing offence until the expiration of the period for which such license is required to be taken out.

318. If the Commissioner of the Division in which the municipality is situated shall have reason to believe that the Commissioners have failed to pay for the municipal police as required by this Chapter, or have failed to maintain within the limits of the municipality any road which without such limits is maintained by a District Committee under the Road Cess Act, 1871 ¹

or have failed to maintain in proper order the roads within the municipality,

or have failed to make adequate and suitable provision for the cleaning and the conservancy of the municipality to an extent likely to be prejudicial to the health of the inhabitants of any part thereof,

the said Commissioner may, with the sanction of the Lieutenant-Governor,² convene a committee consisting of—

- (a) the Magistrate of the district,³ or the Magistrate of the division of the district,
- (b) the Executive Engineer of the division,
- (c) the Civil Surgeon of the district, and
- (d) two members one of whom shall be nominated by the Commissioner of the Division, and the other by the Commissioners at a meeting ;

and such committee shall inquire into and report on the state of the municipality.

The Lieutenant-Governor² may, on the report of such Committee, call upon the Commissioners by a requisition in writing forwarded to the Chairman and published in the Calcutta Gazette,⁴ to raise the necessary funds and carry out the purposes of this Chapter in respect of all or any of the objects mentioned in this section.

And if the Commissioners neglect, for the period of three months from the date of such publication, to comply with such requisition, the Lieutenant-Governor² may direct the Magistrate of the district³ to raise the necessary funds under the provisions of this Chapter, and carry out the purposes thereof in respect of the said objects, or any of them ; and for such purposes the Magistrate of the district³ shall have all the powers and rights conferred on the Commissioners and the Commissioners at a meeting by this Act, and shall exercise such powers and rights until the said Lieutenant-Governor² shall otherwise direct.

¹ Bengal Act X of 1871 has been repealed in Assam by the Repealing and Amending Act, 1897 (V of 1897)

² In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D., Pt. III, *ante*.

³ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl. 1901, p. 12.

⁴ In Assam, the Assam Gazette—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D., Pt. III, *ante*.

Procedure if
Commission-
ers fail to
pay for
police, main-
tain roads,
etc.

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of 1

CHAPTER III

OF UNIONS

319. In every place which, in accordance with the provisions of section 3 becomes a union under this Chapter, every person who has been appointed to be a member of a pancháyat for such place under Act 20 of 1856,¹ and is serving as such member at the commencement of this Act shall be deemed to be a member of the pancháyat duly appointed for such union, and in every such union any tax which may have been imposed and assessed under the provisions of the said Act shall be deemed to have been imposed and assessed under this Chapter, and may be levied as in this Chapter provided

320. The provisions of this Chapter may be extended by the Lieutenant Governor,² by notification published in the Calcutta Gazette³ to any city, town, suburb or bazar, [*not being within the limits of the ordinary original jurisdiction of the High Court at Fort William in Bengal*]⁴ from such date as may be specified therein, and shall thereupon come into force in such city, town, suburb or bazar on the date so specified

321. The Lieutenant-Governor² may, by like notification, at any time vary the limits of any union, or withdraw any union from the operation of this Chapter

322. The Lieutenant Governor² may, by notification to be published in the said Gazette,³ form into a union for the purposes of this Chapter any city, town, suburb or bazar or any part or parts of a city, town, suburb or bazar with any other city, town, suburb or bazar, or part or parts of a city, town, suburb or bazar, but no agricultural village intervening shall be included in such union

323. For the purposes of this Chapter, the Lieutenant Governor² may define and declare the limits of any union formed under the last preceding section, and all occupiers of houses within any such union shall be liable to be assessed according to the provisions of this Chapter for the purposes mentioned in the next succeeding section, but such union shall not include any agricultural village

324. The Magistrate of every union shall, by ways and means in and by this Chapter provided, cause to be levied and raised in such union the amount of the expense of the police to be borne under the provisions of this Chapter by such union, and the cost of raising such amount, and the Magistrate may by the same ways and means cause to be levied such further

¹ Act, 1856.
² Act, 1856.
³ Act, 1856.
⁴ The words in italics are obsolete in consequence of the repeal of this Act in Bengal.

and by s 2 of this Act
Bihar and Orissa and Assam Laws
and Orissa and Assam Laws Act,

The decision of the Magistrate in such cases shall be final, and no objection shall be taken to any assessment, nor shall the liability of any person to be assessed be questioned in any other manner or by any other Court :

Provided that no appeal shall be received after the expiration of one month from the time of the publication of the notification prescribed by section 334, or of the notification of the substitution of the name of an occupier under section 335, unless the Magistrate, upon reasonable cause shown, shall extend the time for receiving such appeal.

Commissioner of Division may direct revision of assessment.

337. The Commissioner of the Division, with the consent of the Lieutenant Governor,¹ may at any time direct the Magistrate to revise the assessment of any union or ward thereof as aforesaid, specifying the reasons which, in his opinion, render such revision necessary, and the Magistrate shall, according to such direction, revise and, if necessary, amend the same.

Magistrate may direct revision of assessment at any time of the year for reasons to be stated. Publication of assessment as revised under the last two sections.

338. The Magistrate may require the pancháyat to revise the assessment at any period during the year, but on every such occasion he shall address a written order to the pancháyat, specifying the reasons which render such revision necessary, and requiring an amended return within a stated period.

339. Whenever any assessment is revised during the year as provided in the two last preceding sections, a copy of such revised list shall be prepared and deposited as provided in section 334, and a notification shall be published in the manner directed in the said section. And all objections to such revised assessment shall be made and dealt with in the manner prescribed by section 335.

If pancháyat refuse or omit to act, Magistrates may assume their functions.

340. If the persons appointed a pancháyat or a majority of them, refuse or omit, for a period of fifteen days after the receipt of an order from the Magistrate to perform the duties required of them, the Magistrate may himself make or revise the assessment, and may enforce the same as if it had been made or revised in the first instance by the pancháyat :

Provided that the functions of the pancháyat shall not thereby absolutely cease and determine, but may be resumed at any time, only not so as to invalidate any act done by the Magistrate under this section.

341. Every pancháyat shall be appointed for the period of one year, and any person who has served as member of a pancháyat during one year may be re-appointed so to serve during the following year.

342. If a majority of the persons assessed in any union or ward for which a pancháyat shall be appointed, not being in arrear, make application in writing to the Magistrate for the removal of any member of the pancháyat appointed for such district, the Magistrate, if he think it expedient, may remove such member from the pancháyat.

343. If any vacancy shall occur among the members of a pancháyat, or if any member appointed shall refuse or decline or be unable to act, the

¹ In Assam, the Chief Commissioner of Assam—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III, ante.

Magistrate may, by a written communication to the person appointed, nominate and appoint another person to supply the vacancy or to be a member of the panchayat

344. In cities and large towns containing three or more divisions or districts, the Magistrate may appoint a sadar panchayat consisting of not less than five members, who may be selected either from the members of the local panchayats or from any other residents of the town

Appoint-
ment and
duty of
sadar pan-
chayat

It shall be the duty of the sadar panchayat to assist the Magistrate, when required so to do, in carrying out generally the objects of this Chapter, and particularly in revising the assessment made by the panchayats of wards of the union, and inquiring into, and reporting on, appeals preferred against the same

345. Subject to the approval of the Commissioner of the Division, the Magistrate may appoint one or more tax-collectors and such other servants as may be necessary for preparing or assisting the panchayat in preparing the assessment, for copying the same, for collecting the tax, keeping the accounts and records, and otherwise carrying out the purposes of this Chapter. The Magistrate shall take from every tax collector such security for the due disposal of the sums collected by him as may be thought necessary

Appoint-
ment
of tax col-
lectors and
other estab-
lishments

346. On such dates as may be fixed by the panchayats for payment of instalments of the tax, the tax-collector shall proceed in person, or through some one of his office establishment, to collect the amount due for the current month from each person subject to the tax, and for all sums so collected the tax-collector shall grant a receipt.

Collection of
assessment.

Provided that, with the sanction of the Commissioner of the Division previously obtained, the collection may be made quarterly instead of monthly, and in such case the amount due for each quarter shall be collected in the last month of that quarter

347. For the recovery of all sums which may not be paid to the tax-collector on demand, the Magistrate shall proceed, as far as possible, in accordance with sections 111 to 120 (both inclusive)

Recovery of
sums not
paid to the
tax collector

348. The provisions of Part V of Chapter II shall, as far as possible, be applicable to unions. In so applying them, the sections of the said Part shall be read as if the word "union" were substituted for the word "municipality" and for the word "municipal" wherever such words occur;

Part V
of Chapter
II applicable
to towns.

and all functions assigned to the Commissioners of municipalities by the said Part shall be performed by the panchayats of unions

Provided that the District Superintendent of Police shall present his estimate as mentioned in section 167 to the Magistrate, and not to the panchayat

made in the
in the
in the

and that the District Superintendent

- (5) the imposition of reasonable penalties for breach of any rules made by the Commissioners, not exceeding fifty rupees, or, in the case of a continuing nuisance, not exceeding five rupees, for every day that such nuisance is continued.

Station
Fund.

358. All sums realized under the provisions of this Chapter shall be paid into a separate fund to be styled "The Station Fund of—", and such fund shall be at the disposal of the Commissioners, and all expenditure authorized by this Chapter shall be made from such fund.

Commis-
sioners may
make
contracts.

359. The Commissioners appointed from time to time shall have full power to make all necessary contracts for the purposes of this Chapter, and apply the taxes raised as aforesaid in the necessary works, and in payment of their officers and servants, and in the other expenses incident to the execution of this Chapter within the station.

Liability of
Commis-
sioners.

360. No Commissioner shall be personally liable for any contract made by the Commissioners on behalf of the inhabitants of the station, but every Commissioner shall be liable for any misapplication of the moneys collected to which he shall have been knowingly party or privy, or which shall have happened through gross neglect of his duty, and shall be liable to be sued for the same as for money due to, and at the suit of, the Secretary of State in Council.

Recovery of
taxes.

361. All sums due on account of any tax under this Chapter may be recovered in the manner provided by sections 111 to 120 (both inclusive), and the provisions of those sections shall, so far as may be practicable, apply to the recovery of all such sums by the Commissioners under this Chapter.

Commis-
sioners to
send Lieut-
enant-Gov-
ernor an
annual
account.

362. All Commissioners acting in execution of this Chapter shall, on or before the last day of every year, make up and send to the Lieutenant-Governor¹ an account of all works executed by them, and of all sums received and spent by them in the foregoing year in such form and with such vouchers as the Lieutenant-Governor¹ shall from time to time order.

Lieutenant-
Governor
may suspend
operation of
Chapter.

363. The Lieutenant-Governor¹ may, at any time, suspend the operation of this Chapter in any station^a and appoint any persons or person to examine and report upon the behaviour of the Commissioners, or any of them or their officers, in the execution of the duties imposed on them by this Chapter.

Chapters I
and V made
applicable.

364. The provisions of Chapters I and V shall apply to every station.

CHAPTER V.

OF GENERAL MATTERS RELATING TO MUNICIPALITIES, UNIONS AND STATIONS.

Publication
of by-laws,
orders, etc

365. Every by-law, order, notice or other document directed to be published under Chapter II, Chapter III or Chapter IV, as the case may be,

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III, *ante*.

shall be written in or translated into the vernacular of the district and deposited in the office of the Commissioners, or (under Chapter III) in the office of the Magistrate, and a copy shall be posted up in a conspicuous position at such office and at every police station or outpost in the municipality, ward, union or station to which it relates, and in any other public places which the Commissioners or the Magistrate, as the case may be, may think proper

And a public proclamation shall be made throughout such municipality, ward, union or station by beat of drum, notifying that such copy has been so posted up, and that the original is open to inspection in the office of the Commissioners or of the Magistrate, as the case may be

366. Fines under this Act may be imposed by a Magistrate on any person who is convicted of the offence to which the fine attaches and may be levied under the provisions of section 307 of the Code of Criminal Procedure, 1872 ¹ *Levy of fines*

367. Every notice, bill, form, summons or notice of demand under the Act may be served personally on or presented to the person to whom the same is addressed, *How notice etc. may be served*

or be left at his usual place of abode, with some adult male member or servant of his family,

or, if it cannot be so served, presented or delivered, may be put on some conspicuous part of his place of abode,

or of the land, building or other thing in respect of which the notice, bill, form summons or notice of demand is intended to be served

368. Where any notice is required to be given to the owner or to the occupier of any land, such notice, addressed to the owner or occupier, as the case may require, may be served on the occupier of such land, or otherwise in the manner in the last preceding section mentioned *Service of notice on owner or occupier of land*

Provided that when the owner and his place of abode are known to the Commissioners or other authorities issuing the notice, they shall, if such place of abode be within the limits of their authority, cause every notice required to be given to the owner of any land to be served on such owner, or left with some adult male member or servant of his family,

and, if the place of abode of the owner be not within such limits, they shall send every such notice by post in a registered cover addressed to his place of abode, and such service shall be deemed to be good service of the notice

When the name of the owner or occupier is not known, it shall be sufficient to designate him as "the owner" or "the occupier" of the land in respect of which the notice is served

369. No assessment or rating of tax on property shall be invalid for error or defect of form, and it shall be enough in any assessment, valuation or rating for the purpose of making such tax if the property so assessed or valued *Tax not invalid for want of form*

¹ Act No. of 1872 was repealed and re-enacted by Act No. of 1882 which again has been repealed and re-enacted by Act No. of 1898 (the Code of Criminal Procedure, 1898). The reference in the text should now be taken to be made to ss. 336, 357 and 359 of the latter Act—see s. (1) thereof in Genl. Act. Vol. V

is so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof.

Holder of
license to
produce it
when re-
quired.

370. Every person to whom a license has been granted under this Act shall at all reasonable times, while such license shall remain in force, if thereunto required by the authorities which granted the license or by any person authorized by them in that behalf, produce such license to the said authorities or to the person so authorized.

Penalty.

Whoever fails to produce his license, when required to produce the same by any person authorized under this section to demand the production thereof, shall be liable to a fine not exceeding one hundred rupees.

Costs how
recoverable.

371. All costs and other moneys which are due under the provisions of this Act to the Commissioners of any municipality, to the Magistrate acting in any union, or to the Commissioners of any station, may be recovered in the manner provided in sections 111 to 120 (both inclusive).

Power to sell
unclaimed
holdings for
money due.

372. If money be due under this Act in respect of any holding from the owner thereof, on account of any tax, expenses or charges, recoverable under this Act, and if the owner thereof is unknown or the ownership thereof is disputed, the Commissioners, or the Magistrate acting under Chapter III, as the case may be, may publish twice, at an interval of three months, a notification of sale of such holding, and after the expiry of not less than three months from the date of the last publication, unless the amount recoverable be paid, may sell such holding to the highest bidder, who shall, at the time of sale, deposit the full amount of the purchase-money.

Any person may pay the amount due at any time before the completion of the sale, and may recover such amount by a suit in a Court of competent jurisdiction from any person beneficially interested in such property.

After payment of the amount due to the Commissioners or Magistrate as aforesaid, the surplus, if any, shall be paid on demand to any person who establishes his right to the satisfaction of such Commissioners or Magistrate or in a Court of competent jurisdiction, or, if unclaimed for a period of three years, shall be transferred to the municipal fund, union fund or station fund, as the case may be.

Power to
make com-
pensation
out of the
municipal
fund.

373. The Commissioners under Chapter II, or the Magistrate acting under Chapter III, or the Commissioners under Chapter IV, respectively, may make compensation out of the municipal, union or station fund, respectively, to any person sustaining any damage by reason of the exercise of any of the powers conferred by this Act.

No action to
be brought
against the
Commis-
sioners or
their officers
until after
one month's
notice of
cause of
action

374. No suit shall be brought against the Commissioners of any municipality, the Magistrate acting under Chapter III, or the Commissioners of any station under Chapter IV, or any of their officers, or any person acting under their direction, for anything done under this Act, until the expiration of one month next after notice in writing has been delivered or left at the office of such Commissioners or Magistrate, and also (if the suit is intended, to be brought against any officers of the said Commissioners or Magistrate,

or any person acting under their directions) at the place of abode of the person against whom such suit is threatened to be brought stating the cause of suit and the name and place of abode of the person who intends to bring the suit,

and, unless such notice be proved, the Court shall find for the defendant

Every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards

If any such person to whom any such notice is given shall, before suit is brought, tender sufficient amends to the plaintiff such plaintiff shall not recover

375. Notwithstanding anything contained in section 3 of Bengal Act 6 of 1870 ¹ (*an Act to provide for the appointment, dismissal and maintenance of village chaukidars*), the provisions of Part II of the said Act, relating to chaukidari chakaran lands, shall be applicable to all such lands which have been assigned before the commencement of the said Act for the benefit of any part of a municipality, union or station, and all duties and functions which the panchayat of a village or any member thereof is required to discharge under the provisions of the said Part shall be discharged and all powers which the panchayat of a village or any member thereof is authorized to exercise under the said Part shall be exercised,—

in respect of any municipality, by the Commissioners thereof,

in respect of any union, by the Magistrate, and

in respect of any station, by the Commissioners thereof,

and the proceeds of the assessment on such lands made under the said Part shall be paid into the municipal union or station fund (as the case may be) and shall be available for the purposes of such fund

376. All Police officers shall give immediate information to the Commissioners of the municipality, the Magistrate of the union, or the Commissioners of the station, as the case may be, of any offence committed against this Act

Any Police officer may arrest any person committing in his view any offence against this Act, if the name and address of such person be unknown to him,

or if such person decline to give his name and address,

or if the Police officer shall have reason to doubt the accuracy of such name and address, if given,

and such person may be detained, until his name and address shall be correctly ascertained, or until he shall be brought up at once before a Magistrate

377. If any person employed under this Act (not being a public servant within the meaning of section 21 of the ² Indian Penal Code shall accept

¹ The Village chaukidari Act 1870 It is printed *ante*

² Genl Acts, Vol. I

Chaukidari
chakaran
lands

Police
officers to
report
offences to
Justices and
to arrest
unknown
offenders

Penalty on
officers, etc.,
taking un-
authorized
fees

or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act,

or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person with the Commissioners or with any public servant or with the Government as such, he shall be punished with imprisonment, either simple or rigorous, as provided in section 53 of the ¹ Indian Penal Code for a term which may extend to three years, XLV of 1860. or with a fine not exceeding five thousand rupees, or with both.

378. Nothing in this Act contained shall be construed to—

- (a) render lawful any act or omission on the part of any person, which, but for this Act, would by law be deemed to be a nuisance ;
- (b) exempt any person guilty of nuisance from a suit in respect thereof ;
- (c) affect any enactment not hereby expressly repealed.

FIRST SCHEDULE.

FORM A.—(see section 103.)

Notice to be published of the preparation of the list of assessment on persons.

BENGAL MUNICIPAL ACT, 1876.

Ben. Act V of
1876.

Section 103.

MUNICIPALITY OF

Whereas an assessment-list of the tax upon persons occupying holdings has been deposited in the office of the Commissioners as required by section 103 of "the Bengal Municipal Act, 1876," notice is hereby given that the said list is open to the inspection of all persons desiring to inspect the same at the office of the said Commissioners during office-hours on any day not being a close holiday, and that the several persons whose names are included in the said assessment are hereby required to pay the quarterly instalments set opposite to their names with regularity at the office appointed by the Commissioners for the receipt of the same, or to the tax-collector or other officer authorized to receive payment, the first payment to be made on the first day of () and every subsequent payment on or before the first day of (), the first day of (), and the first day of (), or in default thereof any arrear that may be due will be realized by distress and sale of the moveable property belonging to the defaulter or

Ben. Act V of
1876.

which may be found on the holding in respect of which such defaulter is assessed, and by such other proceedings as are allowed by law

Dated this

day of

A B,

Chairman of Commissioners

FORM B—(see section 103)

Notice to be published of the preparation of the valuation and rating list of holdings

of

BENGAL MUNICIPAL ACT, 1876

Section 103

MUNICIPALITY OF

Whereas a valuation and rating list of the rate on the annual value of holdings has been deposited in the office of the Commissioners as required by section 103 of "the Bengal Municipal Act, 1876," notice is hereby given that the said list is open to the inspection of all persons desiring to inspect the same at the office of the said Commissioners during office hours on any day not being a close holiday, and that the several owners of the holdings included therein are hereby required to pay the quarterly instalments set opposite to their names with regularity at the office appointed by the Commissioners for the receipt of the same, or to the tax collector or other officer authorized to receive payment, the first payment to be made on the first day of () and every subsequent payment on or before the first day of (), the first day of (), and the first day of (), and in default thereof any arrear that may be due will be realized by distress and sale of the moveable property belonging to the defaulter, or which may be found on the holding in respect of which the valuation is made, and by such other proceedings as are allowed by law

Dated this

day of

A B

Chairman of Commissioners

SECOND SCHEDULE.

FORM A. - (see section 111.)

Notice of Demand under section 111, Bengal Municipal Act, 1876.

Bon. Act V of
1876.

To _____ of _____

Municipality of

Take notice that the sum of Rs. _____, being the amount due from you as shown in the accompanying bill, is hereby demanded from you, and that if you do not within fifteen days pay the same to an officer authorized to receive payment, or into the office of the Municipal Commissioners, the same with costs will be levied by distress and sale of your goods and chattels, or otherwise as provided by law.

A. B.,

Chairman of

[The following note will be added at the foot of the above notice in those cases only in which the notice is to be addressed to a person who has not already paid one instalment of the tax at the rate at which the demand is made.]

Note.--If you have any objection to make against this demand, you may, instead of paying the amount which is hereby demanded, present a petition to the Commissioners praying for a review of the amount assessed (or rated). Such petition must be presented within fifteen days of the receipt of this notice, otherwise it will not be received. If you present such petition, no amount will be levied from you until the Commissioners shall have passed an order on your petition; but, after fifteen days from such order, the amount due by you, with such costs as the Commissioners may direct, will be levied, unless it has been previously paid.

FORM B.

TABLE OF FEES PAYABLE UPON DISTRAINTS UNDER THIS ACT.

(see section 112.)

| Sums distrained for. | | | | | | | | | | Fee. |
|----------------------|-------------|---------|---|---|---|---|---|---|---|--------|
| | | | | | | | | | | Rs. A. |
| | Under 1 | 1 rupee | . | . | . | . | . | . | . | 0 4 |
| | and under 5 | rupees | . | . | . | . | . | . | . | 0 8 |
| 5 | " | 10 | " | . | . | . | . | . | . | 1 0 |
| 10 | " | 15 | " | . | . | . | . | . | . | 1 8 |
| 15 | " | 20 | " | . | . | . | . | . | . | 2 0 |
| 20 | " | 25 | " | . | . | . | . | . | . | 2 8 |
| 25 | " | 30 | " | . | . | . | . | . | . | 3 0 |
| 30 | " | 35 | " | . | . | . | . | . | . | 3 8 |
| 35 | " | 40 | " | . | . | . | . | . | . | 4 0 |
| 40 | " | 45 | " | . | . | . | . | . | . | 4 8 |
| 45 | " | 50 | " | . | . | . | . | . | . | 5 0 |
| 50 | " | 60 | " | . | . | . | . | . | . | 6 0 |
| 60 | " | 80 | " | . | . | . | . | . | . | 7 8 |
| 80 | " | 100 | " | . | . | . | . | . | . | 9 0 |
| Above | 100 | " | . | . | . | . | . | . | . | 10 0 |

The above charge includes all expenses, including the service of notice of demand except when pcons are kept in charge of property distrained in which case three annas must be paid daily for each man. If the amount demanded be paid or the warrant discharged before the sale is held, so that no sale is necessary, one fourth of the fees specified in the above table shall be remitted.

FORM C

(see section 113)

Distress Warrant

of

BENGAL MUNICIPAL ACT

Section 113

To (here insert the name of the officer charged with the execution of the warrant)

Whereas of has not paid or shown sufficient cause for the non payment of the sum of rupees due for taxes (or rates) mentioned in the margin, although the said sum has been duly demanded in writing from the said , and fifteen days have elapsed since the service of the notice of demand , this is to command you to distrain the moveable property of the said wherever it may be found within the Municipality, except ploughs plough cattle, tools or implements of trade or agriculture, or any other moveable property subject to the same exceptions, which may be found within the holding specified in the margin to the amount of the said sum of and the further sum of to defray the charges of taking, keeping and selling such property , and, if within ten days next after such distress the said sum of shall not be paid, to sell the said property, and, having paid and deducted out of the proceeds of the sale the said of and the charges of taking, keeping and selling such property, to return the surplus (if any) on demand to the person whom you shall have found in possession of the said property, and, if no demand be made, to pay the same to the Commissioners . If distress cannot be made of sufficient property of the said , you are to certify the same to us in returning this warrant

A B.

Chairman of

FORM D.

(see section 113.)

FORM OF INVENTORY AND NOTICE.

*Bengal Municipal Act, section 113.*Ben. Act V of
1876.*(State particulars of goods seized.)*

Take notice that I have this day seized the property specified in the above inventory for the sum of due for the taxes (or rates) mentioned in the margin, and that unless you pay to me or into the office of the Commissioners of the said sum of and the further costs of this distraint as specified below, within ten days from the day of the date of this notice, the property will be sold.

(Signature of the officer executing the warrant of distress.)

Date

FORM E.

(see section 115.)

*Register of Distraints of Property and Sales held on account of Arrears for
the month of in*

1. Name of defaulter.
2. Number on register and specification of the holding on account of which the arrear is due.
3. Amount of arrear due.
4. Amount of costs and penalty.
5. Total amount to be realized.
6. Inventory of property seized under distress.
7. Date of distress.
8. Date of sale.
9. Detail of articles sold.
10. Amount realized on each article.
11. Purchaser's name.
12. Total amount realized.
13. Amount paid into the Commissioners' office on account of the arrear due, with date.
14. Amount paid into the Commissioners' office on account of costs and penalties.

- 15 Surplus proceeds of sale remaining after deducting the amount of arrears, costs and penalties due
- 16 How the surplus was disposed of, with date of such disposal
- 17 Balance of arrear still remaining unrealized, if any
- 18 On what date such remaining balance was realized or written off by authority
- 19 Remarks (explaining why the property seized was released without sale if not eventually sold, etc , etc)

THIRD SCHEDULE

(see sections 78 and 122)

TAX ON CARRIAGES AND ANIMALS

| | Per Quarter Rs A |
|---|------------------------|
| For every 4 wheeled carriage drawn by two horses | 4 8 |
| For every 4-wheeled carriage drawn by one horse or a pair of ponies under thirteen hands | 3 0 |
| For every 2-wheeled carriage | 2 8 |
| For every horse | 2 0 |
| For every pony under thirteen hands, and for every mule and donkey | 0 12 |
| For every elephant | 6 0 |
| For every camel | 2 0 |

Animals under eleven hands in height, and carriages the wheels of which do not exceed twenty four inches in diameter, are exempted

FOURTH SCHEDULE

FORM A

Requisition to Pancháyat

(see Chapter III, section 330)

(Here insert the names, places of abode, business, or other description of the pancháyat)

I do hereby require you, the pancháyat appointed under Chapter III of the Bengal Municipal Act, 1876, with all reasonable expedition, within (here insert a period to be fixed by the Magistrate), from the date hereof, to make

FORM D.

(see section 113.)

FORM OF INVENTORY AND NOTICE.

*Bengal Municipal Act, section 113.*Ben. Act V of
1876.

(State particulars of goods seized.)

Take notice that I have this day seized the property specified in the above inventory for the sum of due for the taxes (or rates) mentioned in the margin, and that unless you pay to me or into the office of the Commissioners of the said sum of and the further costs of this distraint as specified below, within ten days from the day of the date of this notice, the property will be sold.

(Signature of the officer executing the warrant of distress.)

Date

FORM E.

(see section 115.)

*Register of Distraints of Property and Sales held on account of Arrears for
the month of in*

1. Name of defaulter.
2. Number on register and specification of the holding on account of which the arrear is due.
3. Amount of arrear due.
4. Amount of costs and penalty.
5. Total amount to be realized.
6. Inventory of property seized under distress.
7. Date of distress.
8. Date of sale.
9. Detail of articles sold.
10. Amount realized on each article.
11. Purchaser's name.
12. Total amount realized.
13. Amount paid into the Commissioners' office on account of the arrear due, with date.
14. Amount paid into the Commissioners' office on account of costs and penalties.

15. Surplus proceeds of sale remaining after deducting the amount of arrears, costs and penalties due.
16. How the surplus was disposed of, with date of such disposal.
17. Balance of arrear still remaining unrealized, if any.
18. On what date such remaining balance was realized or written off by authority.
19. Remarks (explaining why the property seized was released without sale if not eventually sold, etc., etc.).

THIRD SCHEDULE.

(see sections 78 and 122)

TAX ON CARRIAGES AND ANIMALS.

| | Per. Quarter. Rs. A. |
|---|----------------------------|
| For every 4-wheeled carriage drawn by two horses | 4 8 |
| For every 4-wheeled carriage drawn by one horse or a pair of ponies under thirteen hands . | 3 0 |
| For every 2-wheeled carriage | 2 8 |
| For every horse | 2 0 |
| For every pony under thirteen hands, and for every mule and donkey | 0 12 |
| For every elephant | 6 0 |
| For every camel | 2 0 |

Animals under eleven hands in height, and carriages the wheels of which do not exceed twenty-four inches in diameter, are exempted.

FOURTH SCHEDULE.

FORM A.

Requisition to Pancháyat.

(see Chapter III, section 330.)

(Here insert the names, places of abode, business, or other description of the pancháyat.)

I do hereby require you, the pancháyat appointed under Chapter III of the Bengal Municipal Act, 1876, with all reasonable expedition, within (here insert a period to be fixed by the Magistrate), from the date hereof, to make

out and forward to me, the undersigned Magistrate of the district ¹ of _____, a fair and equitable assessment upon the several occupiers of houses, shops and buildings in the union of _____ for the purpose of raising the sum of rupees _____ required for the maintenance of the police for the year commencing on _____ and other expenses authorized by the said Chapter. You shall regulate and determine the amount of assessment to be levied from every such occupier according to the circumstances and the property to be protected of each person. But the amount assessed in respect of any one house shall not exceed rupees _____ (*here insert the pay of a policeman of the lowest grade*), and the aggregate amount assessed shall not exceed the average rate of two annas *per mensem* for each house, shop or building in the district.

If the occupier of any house in the said district shall be unable, on the ground of poverty, to pay the assessment to which he is liable under the said Chapter, you may leave him unassessed, but the property occupied, together with the name and description of such occupier, shall be specified in the list, together with the ground of exemption.

If any house be let out in portions to different persons, or be let out to, or occupied by, lodgers or travellers, the person who shall so let the same, or who shall receive the rents or payments from such persons or lodgers or travellers, shall be deemed the occupier of such house and shall be assessed accordingly.

The assessment which you are hereby required to make shall specify the name of every occupier of property liable to be assessed, the name, trade or business or other description of the person assessed, the annual assessment and the quota payable monthly, and may be in the following form or to the like effect:—

| Serial No. | Property occupied. | Name of occupier. | Profession or business or other description. | Amount of annual assessment. | Amount of monthly (or quarterly) payment. |
|------------|--------------------|-------------------|--|------------------------------|---|
| | | | | | |

FORM B.

Assessment.

(see section 334.)

An assessment made for the union of _____ upon the several occupiers of houses and other property in the said district, pursuant to Chapter III of _____

¹ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

of the Bengal Municipal Act, 1876, for the purpose of maintaining the police for such union, for cleaning the union, and for other purposes authorized by the said Act

| Serial No | Property occupied | Names of occupiers | Profession or business | Amount of monthly (or quarterly) assessment |
|-----------|-------------------|--------------------|------------------------|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

FORM C

Notification

(see section 534)

Whereas an assessment has been duly made pursuant to Chapter III of the Bengal Municipal Act, 1876, and has been revised and settled by me, the undersigned Magistrate of _____, and has been deposited in the office of the Magistrate, notice is hereby given that the said assessment is open to the inspection of all persons desiring to inspect the same at the said office during office hours on any day not being a close holiday, and that the several persons whose names are included in the said assessment are hereby required to pay the monthly (or quarterly) contributions set opposite to their names with regularity to the tax-collector or other person appointed by the Magistrate to receive the same, the first payment on the tenth day of the month succeeding the date of this notification, and every subsequent payment on or before the tenth day of each succeeding month (if the tax is to be collected quarterly, the months in which the payment is to be made must be specified), or, in default thereof, any arrear that may be due will be realized by distraint and sale of the personal effects of the defaulter, or of any goods and chattels which may be found on the premises in respect of which such defaulter is assessed, and such other proceedings adopted for the recovery of the same as are allowed by law.

Dated this

day of

Magistrate of

FIFTH SCHEDULE.

(see section 2.)

PART I.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

| Number and year. | Subject. | Extent of repeal. |
|-------------------|--|--|
| 26 of 1850 . . . | Improvements in Towns | The whole Act so far as it affects the Provinces subject to the Lieutenant-Governor of Bengal. |
| 20 of 1856 . . . | Police-chaukidars in cities, ^f etc., in the Presidency of Fort William in Bengal. | So much as has not been repealed. |
| [21 of 1857 . . . | Order and good Government of the Suburbs of Calcutta and the Station of Howrah. | Sections 25, 26, 27, 28, 29, 30, 31, 32, 38, 40, 41, 42, 43, 44, 45, 47, 48, 49, 50.] |
| [12 of 1858 . . . | For raising funds for making and repairing roads in the Suburbs of Calcutta and Howrah. | The whole Act.] |

PART II.—ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

| Number and year. | Subject. | Extent of repeal. |
|------------------|--|-----------------------------------|
| 3 of 1864 . . . | District Municipal Improvement Act | So much as has not been repealed. |
| 6 of 1867 . . . | Regulation of Police in Towns and Municipalities. | The whole Act. |
| 7 of 1867 . . . | Amending the District Municipal Improvement Act. | The whole Act. |
| 2 of 1868 . . . | Amending the District Municipal Improvement Act. | The whole Act. |
| 6 of 1868 . . . | District Towns Act | The whole Act. |
| [7 of 1870 . . . | Sanitary Condition of Dacca | The whole Act.] |
| 2 of 1873 . . . | Amending District Municipal Improvement and District Towns Acts. | The whole Act. |

SIXTH SCHEDULE.

(see section 2.)

| Number and year. | Subject. | Extent of repeal. |
|-----------------------------------|---|------------------------------------|
| ¹ Bengal Act 4 of 1871 | Sanitation of Puri and other Towns in Orissa, and Regulation of Lodging-Houses therein. | Sections 24 to 34, both inclusive. |

¹ The Puri Lodging-house Act, 1871.

BENGAL ACT 9 OF 1879

(THE COURT OF WARDS ACT, 1879)

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BENGAL ACT 9 OF 1879.¹

(THE COURT OF WARDS ACT, 1879.)

[30th July, 1879.]

An Act to amend the law relating to the Court of Wards.

WHEREAS it is expedient to amend the law relating to the Court of Wards within the territories under the administration of the Lieutenant-Governor of Bengal²; It is enacted as follows:—

PART I.

PRELIMINARY.

1. This Act may be called the Court of Wards Act, 1879;

¹ LEGISLATIVE PAPERS.—For Statement of Objects and Reasons, see Calcutta Gazette, 1878, Pt. IV, p. 75; for Report of Select Committee, see *ibid*, 1879, Pt. IV, p. 31; for further Report of Select Committee, see *ibid*, p. 47; and for Proceedings in Council, see *ibid*, 1878, Suppl., pp. 317, 343 and 402; *ibid*, 1879, Suppl., pp. 6, 332, 400 and 441.

LOCAL EXTENT.—The Act (with the amending Acts, Ben. Act III of 1881 and Act IV of 1892) has been extended, by notification under the Scheduled Districts Act, 1874 (XIV of 1874), s. 5, to the following Districts in Assam, namely:—

the Districts of Cachar, Darrang, Goalpara, Kamrup, Lakhimpur, Nowgong, Sibsagar (including the tract transferred from the Naga Hills District in 1901) and Sylhet—see Vol. II, Appendix 1, Table B. The amending Act, Eastern Bengal and Assam Act III of 1907, presumably extends to all these districts, and the amending Act, Eastern Bengal and Assam Act I of 1911, has been extended under s. 5 of the Scheduled Districts Act, 1874, to all these districts with the exception of the north Cachar sub-division of the Cachar district, see Gazette of India, 1911, Pt. I, p. 1042.

² As to the local extent of this Act in Assam, see the "Local Extent" footnote *ante*.

It extends to all the territories under the administration of the Lieutenant-Governor of Bengal¹, including the Scheduled Districts of Bengal as defined in the Scheduled Districts Act, 1874²

[Commencement] *Rep by the Repealing and Amending Act, 1897 (5 of 1897)*

2. Bengal Act 4 of 1870 (the Court of Wards Act), section 11 of Act 35 of 1858,³ sections 12, 14 and 15 of Act 40 of 1858⁴ and so much of section 21 of Act 40 of 1858⁴ as provides that the Civil Court may direct the Collector to take charge of an estate, are hereby repealed

All persons and properties which at the commencement of this Act are under the charge of the Court of Wards as constituted by Bengal Act 4 of 1870, shall be deemed to be under the charge of the Court of Wards as constituted by this Act

And all persons and properties which at the commencement of this Act are under the charge of the Collector by virtue of an order of the Civil Court under section 11 of Act 35 of 1858,³ or under section 12, section 14 or section 21 of Act 40 of 1858,⁴ shall from such commencement be deemed to be under the charge of the Court of Wards

And all rules prescribed, orders or appointments made, and agreements executed under the Court of Wards Act, 1870, and now in force, shall (so far as they are consistent with this Act) be deemed to be respectively prescribed, made and executed under this Act

And all orders and appointments made by Collectors under Act 35 of 1858³ or Act 40 of 1858⁴ and now in force, shall (so far as they are consistent with this Act) be deemed to be made under this Act

* * * * *

3. In this Act, unless there be something repugnant in the subject or context,—

“Collector”⁵ includes any officer in charge of the revenue-jurisdiction of a district

“the Court” means the Court of Wards,

or, when the Court of Wards has delegated any of its powers to a Commissioner⁶ or Collector⁶ or any other person, it means, in respect of such powers, the Commissioner or Collector⁶ or person to whom they are delegated

“the Court

¹ As to the local extent of this Act in Assam, see the “Local Extent” footnote *ante*

² Genl Acts, Vol II

³ The Lunacy (District Courts) Act, 1858. It has been repealed by the Indian Lunacy Act, 1912 (IV of 1912)

⁴ The whole of Act VI of 1858 was repealed by the Guardians and Wards Act, 1890 (VIII of 1890)

⁵ The remainder of s. 2 (as to pending suits and proceedings) was repealed by the Repealing and Amending Act 1903 (I of 1903) and is omitted

⁶ In Assam read “Deputy Commissioner”—see the Assam Local Statutory Rules and Orders Suppl 1901 p 12

“Estate.”

“estate” means all lands which are borne on the revenue-roll of a Collector¹ as liable for the payment of one and the same demand of land-revenue,²[and includes a share in or of an estate other than an undivided share held in coparcenary as the property of a Hindu joint family governed by the *Mitakshara* or *Mithila* law]:

“Minor.”

“minor” means a person who has not completed his age of twenty-one years:

“Section.”

“section” means a section of this Act:

“Ward.”

“ward” means any person who is under the charge of the Court of Wards, or whose property is under such charge.

Saving of Act 34 of 1858 and of jurisdiction of High Court as respects infants.

4. Nothing contained in this Act shall affect any of the provisions of Act 34 of 1858³ or the jurisdiction, as respects infants, of any High Court of Judicature.

PART II.

CONSTITUTION, JURISDICTION AND POWERS OF THE COURT OF WARDS.

Constitution and general duties of Court of Wards.

5. The Board of Revenue⁴ shall be the Court of Wards for the territories to which this Act extends.

It shall deal with every person and every property of which it may take or retain charge under this Act, or which may be placed under its charge by order of a competent Court, in accordance with the provisions of this Act.

Disqualified proprietors.

6. Proprietors of estates shall be held disqualified to manage their own property when they are—

(a) females declared by the Court incompetent to manage their own property;

(b) persons declared by the Court to be minors;

(c) persons adjudged by a competent Civil Court to be of unsound mind, and incapable of managing their affairs;

(d) persons adjudged by a competent Civil Court to be otherwise rendered incapable by physical defects or infirmities of managing their own property;

⁵ [(e) persons as to whom the Local Government⁴ has declared, on their own application, that they are disqualified, and that it is expedient in the public interest that their estates should be managed by the Court.]

¹ In Assam, read “Deputy Commissioner”—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

² The words in square brackets in the definition of “estate” were added by the Court of Wards Act (Bengal) Amendment Act, 1892 (IV of 1892), s. 2, printed *ante*.

³ The Lunacy (Supreme Courts) Act, 1858. It has been repealed by the Indian Lunacy Act, 1912 (IV of 1912).

⁴ Now, in Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III, *ante*.

⁵ Cl. (e) was added by the Court of Wards Act (Bengal) Amendment Act, 1892 (IV of 1892), s. 3.

7. Whenever the sole proprietor of an estate, or all the joint proprietors of an estate, are disqualified as provided in the last preceding section, the Court shall have power to take charge of all the property of every such proprietor or joint proprietor within its jurisdiction, and of the person of any such proprietor or joint proprietor who is resident within its jurisdiction, and also of the person and property of any minor member of the family of any such proprietor or joint proprietor who has an immediate or reversionary interest in the property of such proprietor or joint proprietor

Jurisdiction of Court over disqualified proprietors

¹ [Provided that the Court shall not be empowered to take charge of the person of a proprietor disqualified on his own application under clause (e) of section 6]

8. Whenever the circumstances of any ward become such that the Court could not take charge of him or of his property if he were not under its charge already, the Court shall be bound to release from its charge such person and his property

Court when bound to give up charge

9. The Court may in its discretion, in any case in which it is empowered by this Act to take charge of the person and property of any disqualified proprietor,—

Discretion of Court as to taking and keeping charge

- (a) take charge of such property without taking charge of such person,
- (b) refrain from taking charge of any such person or property,
- (c) at any time withdraw from such charge, if taken,
- (d) at any time resume such charge, after having withdrawn from it

* * * * *

³ 9 A. (1) When the Court shall withdraw from the charge of such property,—

Effect of withdrawal from charge

- (a) such charge shall terminate with effect from the date fixed in accordance with the provisions of section 65,
- (b) the owner of the said property shall be restored to the possession thereof from the said date, subject to any contracts entered into by the Court for the preservation or benefit of such property,
- (c) the claims referred to in section 10A, sub section (5), shall revive, unless the Court in its discretion shall otherwise direct

(2) In calculating the periods of limitation applicable to suits to recover claims for interest or claims to recover and enforce debts and liabilities revived under this section, the time during which such charge has continued shall be excluded

¹ This proviso was added by the Court of Wards Act (Bengal) Amendment Act, 1892 (IV of 1892) s 4 printed ante

³ The clauses in s 9 which were added by the Court of Wards Act 1892 (IV of 1892) s 5, and repealed

“Estate.”

“estate” means all lands which are borne on the revenue-roll of a Collector¹ as liable for the payment of one and the same demand of land-revenue,² [and includes a share in or of an estate other than an undivided share held in coparcenary as the property of a Hindu joint family governed by the *Mitakshara* or *Mithila* law]:

“Minor.”

“minor” means a person who has not completed his age of twenty-one years:

“Section.”

“section” means a section of this Act:

“Ward.”

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Saving of Act 34 of 1858 and of jurisdiction of High Court as respects infants.

4. Nothing contained in this Act shall affect any of the provisions of Act 34 of 1858³ or the jurisdiction, as respects infants, of any High Court of Judicature.

PART II.

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Constitution and general duties of Court of Wards.

5. The Board of Revenue⁴ shall be the Court of Wards for the territories to which this Act extends.

It shall deal with every person and every property of which it may take or retain charge under this Act, or which may be placed under its charge by order of a competent Court, in accordance with the provisions of this Act.

Disqualified proprietors.

6. Proprietors of estates shall be held disqualified to manage their own property when they are—

(a) females declared by the Court incompetent to manage their own property;

(b) persons declared by the Court to be minors;

(c) persons adjudged by a competent Civil Court to be of unsound mind, and incapable of managing their affairs;

(d) persons adjudged by a competent Civil Court to be otherwise rendered incapable by physical defects or infirmities of managing their own property;

⁵ [(e) persons as to whom the Local Government⁴ has declared, on their own application, that they are disqualified, and that it is expedient in the public interest that their estates should be managed by the Court.]

¹ In Assam, read “Deputy Commissioner”—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

² The words in square brackets in the definition of “estate” were added by the Court of Wards Act (Bengal) Amendment Act, 1892 (IV of 1892), s. 2, printed *ante*.

³ The Lunacy (Supreme Courts) Act, 1858. It has been repealed by the Indian Lunacy Act, 1912 (IV of 1912).

⁴ Now, in Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III, *ante*.

⁵ Cl. (e) was added by the Court of Wards Act (Bengal) Amendment Act, 1892 (IV of 1892), s. 3.

7. Whenever the sole proprietor of an estate, or all the joint proprietors of an estate, are disqualified as provided in the last preceding section, the Court shall have power to take charge of all the property of every such proprietor or joint proprietor within its jurisdiction, and of the person of any such proprietor or joint proprietor who is resident within its jurisdiction, and also of the person and property of any minor member of the family of any such proprietor or joint proprietor who has an immediate or reversionary interest in the property of such proprietor or joint proprietor

Jurisdiction of Court over disqualified proprietors

¹ [Provided that the Court shall not be empowered to take charge of the person of a proprietor disqualified on his own application under clause (e) of section 6.]

8. Whenever the circumstances of any ward become such that the Court could not take charge of him or of his property if he were not under its charge already, the Court shall be bound to release from its charge such person and his property.

Court when bound to give up charge

9. The Court may in its discretion, in any case in which it is empowered by this Act to take charge of the person and property of any disqualified proprietor,—

Discretion of Court as to taking and keeping charge

- (a) take charge of such property without taking charge of such person,
- (b) refrain from taking charge of any such person or property,
- (c) at any time withdraw from such charge, if taken,
- (d) at any time resume such charge, after having withdrawn from it

* * * * *

² 9 A. (1) When the Court shall withdraw from the charge of such property,—

Effect of withdrawal from charge

- (a) such charge shall terminate with effect from the date fixed in accordance with the provisions of section 65,
- (b) the owner of the said property shall be restored to the possession thereof from the said date, subject to any contracts entered into by the Court for the preservation or benefit of such property;
- (c) the claims referred to in section 10A, sub-section (5), shall revive, unless the Court in its discretion shall otherwise direct

(2) In calculating the periods of limitation applicable to suits to recover claims for interest or claims to recover and enforce debts and liabilities revived under this section, the time during which such charge has continued shall be excluded

¹ This proviso was added by the Court of Wards Act (Bengal) Amendment Act, 1892 (IV of 1892) s 4, printed *ante*

² The clauses in s 9 which were added by the Court of Wards Act (Bengal) Amendment Act, 1892 (IV of 1892), s 5, and repealed by the Eastern Bengal and Assam Court of Wards (Amendment) Act, 1907 (E B and A Act III of 1907) s 2 (1) are omitted

³ S 9A was added by the Eastern Bengal and Assam Court of Wards (Amendment) Act, 1907 (E B and A Act III of 1907), s 2 (2), printed *post*

Application
by Civil
Court to
Court of
Wards to
take charge.

¹ 10. ² [Whenever a Civil Court is satisfied that an order should be made under section 7 of the Guardians and Wards Act, 1890, ³ appointing a guardian of the person or property of a minor, or both ;

whenever a Civil Court removes, under section 39 of the same Act, the guardian of a minor,]

or whenever a person has been adjudged, under Act 35 of 1858,⁴ to be of unsound mind and incapable of managing his affairs,

if the property of such minor or disqualified proprietor consists, in whole or in part, of land or any interest in land, the Civil Court may apply to the Court of Wards to take charge of the person and property of such minor or disqualified proprietor ; and it shall be at the discretion of the Court of Wards to take charge of such person or property, or to refuse to do so.

Nothing contained in sections 12 to 19 (both inclusive) of Act 35 of 1858 ⁴ shall be held to apply to persons or properties under the charge of the Court of Wards.

Notice to
creditors,
and
inquiry into
liabilities.

⁵ 10 A. (1) Whenever the Court of Wards assumes charge of any person or property under section 7 or section 10, it shall publish, in the manner provided in section 64A, a notice calling upon all creditors having claims against the ward or his immoveable property to submit the same in writing to the Court, at a place to be named in the notice, within six months from the date of the publication of the notice aforesaid.

(2) The Court shall also make such inquiry as it thinks fit, to ascertain the particulars of all claims against the ward or his property, and may for the purpose of the said inquiry require the ward or any person or persons, who may have acted as his guardian, committee, or other legal curator before the Court assumed charge of his person or property, to file a complete statement of all debts and liabilities to which the ward is subject or with which his property is charged.

(3) A copy of the notice published under sub-section (1) shall be sent by registered post to all creditors whose names and addresses are ascertained in the course of the inquiry made under sub-section (2).

(4) After the expiration of six months from the date of the publication of the notice specified in sub-section (1), the Court shall frame a schedule of all claims submitted under sub-section (1) or ascertained in the course of the inquiry under sub-section (2) :

Provided that entry in this schedule shall not be deemed to be sufficient evidence to charge any person with liability.

¹ For an order by the High Court, directing Civil Courts to send to the Collector or Deputy Commissioner, for transmission to the Court of Wards, all applications under s. 10, see the High Court's Rules, 1903, Civil, Vol I, p 60.

² The clauses in square brackets in s. 10 were substituted for the original clauses by the Court of Wards Act (Bengal) Amendment Act, 1892 (IV of 1892), s. 6, printed *ante*.

³ Genl. Acts, Vol. IV.

⁴ The Lunacy (District Courts) Act, 1858. It has been repealed by the Indian Lunacy Act, 1912 (IV of 1912).

⁵ Ss. 10A to 10D were inserted by the Eastern Bengal and Assam Court of Wards (Amendment) Act, 1907 (E. B. and A. Act III of 1907), s. 3, printed *post*.

(5) Every claim, other than a claim on the part of Government, not entered in the Schedule framed under the preceding sub section shall, save in the case provided for by section 9A, sub section (1), clause (c), be deemed for all purposes and on all occasions, whether during the continuance of the management or afterwards, to have been duly discharged

Provided that the Court, if it thinks fit, may receive a claim at any time after the framing of the said schedule, or may refuse to receive it, and the Court may, if it receive the claim, disallow the payment of interest in whole or in part, and may impose such terms and conditions, as to the time of payment of the sum which it may find to be payable under the claim, as to the Court may seem fit

(6) No order of the Court under the preceding sub section, refusing to receive a claim, or disallowing interest, or imposing terms or conditions, shall be liable to be contested or set aside in any Civil Court

10 B. (1) Every creditor submitting his claim in compliance with the provisions of sub section (1) or the proviso to sub section (5) of section 10A shall furnish, along with his written statement of claim, full particulars thereof, and shall, within such time as the Court may appoint, produce all documents, which are in his possession, power or control, including entries in books of account, on which he relies to support his claims, together with a true copy of every such document

Creditors to furnish full particulars and documents

(2) The Court shall, after marking, for the purpose of identification, every original document so produced, and verifying the correctness of the copy, retain the copy and return the original to the creditor

(3) If any document, which to the knowledge of the creditor is in his possession, power or control, is not produced by him as required by sub-section (1), the document shall not be admissible in evidence against the ward, whether during the continuance of the management or afterwards, in any suit brought by the creditor or by any person claiming under him in respect of such claim, unless good cause be shown to the satisfaction of the Civil Court entertaining the suit for the non-production of the document as required by sub section (1); and the judge receiving any such document shall record his reasons for so doing

10 C. If a Civil Court has directed any process of execution to issue against any immovable property of a ward, or the rents thereof, or any crop standing thereon, the Court of Wards may, at any time within one year after it assumes charge of such property, apply to the Civil Court to stay proceedings in the matter of such process; and the Civil Court may, on such terms regarding interest or compensation for delay as may appear to it to be just and reasonable, stay such proceedings for such period as it may deem fit

Stay of proceedings of Civil Courts

10 D. (1) On the framing of the schedule under section 10A, sub-section (1), the Court shall proceed to investigate such claims, and shall decide which

Adjudication of claims

¹ See 10B, 10C and 10D are now—see footnote to s 10 A, ante.

of them are to be wholly or partly admitted or wholly or partly rejected, as the case may be, and shall communicate its decision in writing to each claimant concerned.

(2) When the Court has admitted any claim under sub-section (1), or the proviso to sub-section (5), it may make to the creditor a proposal in writing for the reduction of the claim, or of the rate of interest to be paid in future, or of both; and, if such proposal, or any modification of it, is accepted by the creditor, and his acceptance is finally recorded and attested by the Court, it shall be conclusively binding upon the creditor and upon the ward:

Provided that if, when the superintendence of the property by the Court is relinquished or otherwise terminates, any portion of the claim reduced as aforesaid is still unsatisfied, the creditor shall be entitled to recover a sum bearing the same proportion to the original claim admitted under sub-section (1) or the proviso to sub-section (5) as the unsatisfied portion bears to the reduced claim.

(3) Subject to the provisions of sub-section (2), nothing in this section shall be construed to bar the institution of a suit in a Civil Court for the recovery of a claim against a ward or his property which has been entered in the schedule framed under section 10A, sub-section (4):

Provided that no decision of the Court of Wards under this section shall be proved in any such suit as against the defendant.

(4) In calculating the period of limitation applicable to suits for the recovery of a claim which has been entered in the Schedule framed under section 10 A, sub-section (4), the period from the date of submission of the claim up to the date of the communication of the Court's decision thereon to the creditor shall be excluded.

Procedure
when any of
joint proprie-
tors ceases to
be disquali-
fied.

¹11. Whenever one or more of the joint proprietors of whose properties the Court has taken charge ceases to be subject to the jurisdiction of the Court, the Court may retain charge of the persons and properties of the still disqualified proprietors during the continuance of their disqualification.

And, in case any person entitled to any property jointly with any disqualified proprietor shall consent thereto, the Court may retain or resume the charge of the property of such proprietor or any part thereof so long as the property of any such disqualified proprietor as aforesaid remains in charge of the Court.

Withdrawal
from charge
by Court.

12. The Court of Wards may at any time withdraw from the charge of any person and property taken under section 10 or under section 11 and from the charge of any person or property ²[which either before or after the com-

¹ This section was substituted for the original s. 11 by the Court of Wards Act (Bengal) Amendment Act, 1892 (IV of 1892), s. 7, printed *ante*.

² These words in square brackets were substituted for the words "which before the commencement of this Act was placed" by s. 8 of the same Act.

mencement of this Act was or is placed] under the charge of the Collector¹ by a Civil Court under section 12, section 14 or section 21 of Act 40 of 1858,² or under section 11 of the Act 35 of 1858,³ [or under any other enactment for the time being in force] ⁴

Provided that it shall give notice of its intention to withdraw to the Civil Court concerned, and that such notice shall be given not less than two months before the Court of Wards shall so withdraw

13. Whenever, on the death of any ward, the succession to his property or any part thereof is in dispute, the Court may either direct that such property or part thereof be made over to any person claiming such property, or may retain charge of the same until the right to possession of the claimant has been determined under Bengal Act 7 of 1876,⁵ [or under the Assam Land and Revenue Regulation, 1886],⁶ or until the dispute has been determined by a competent Civil Court

13 A. If, when any disqualified proprietor whose property has been taken charge of by the Court dies, or ceases to be disqualified within the meaning of this Act there remain undischarged any debts or liabilities which were incurred by, or are due from, such proprietor, or which are a charge upon his property or any part thereof,

then, notwithstanding anything contained in the foregoing sections, the Court may either withdraw from the charge of such property, or retain such charge until such debts and liabilities, as the Court considers necessary to be discharged, together with all interest due thereon, have been discharged

Provided that, after the death of such proprietor, the Court shall not retain charge on account of any debt or liability which has been declared by a competent Civil Court not to be binding on his representative

14. Subject to the provisions of this Act, the Court—

(a) may, through its manager, do all such things requisite for the proper care and management of any property of which it may take or retain charge under this Act, or which may be placed under its charge by order of a competent Civil Court, as the proprietor of any such property, if not disqualified, might do for its care and management, and

Procedure when succession to property of ward disputed

Power of Court to retain charge of property of disqualified proprietor until discharge of debts

General powers of Court

¹ In Assam the Deputy Commissioner—see the Assam Local Statutory Rules and Orders Suppl., 1901, p. 12

² Act XL of 1858 was repealed by the Guardian and Wards Act, 1890 (VIII of 1890)

³ The Lunacy (District Courts) Act, 1858, see now the Indian Lunacy Act, 1912 (IV of 1912) by which it has been repealed

⁴ These words in square brackets were added by the Court of Wards Act (Bengal) Amendment Act, 1907 (IV of 1907)

⁵ Bengal Act 7 of 1876

⁶ Assam Land and Revenue Regulation, 1886, s. 1 of 1886 is printed ante

⁷ S. 13A was inserted by the Eastern Bengal and Assam Court of Wards (Amendment) Act, 1907 (E. B. and A. Act III of 1907), s. 5, printed post

Eastern Bengal and Assam Court of Wards (Amendment) Act, 1907, s. 4, printed

(b) may, in respect of the person of any ward, do all such things as might be lawfully done by the legal guardian of such ward.

Exercise through others of powers conferred on Court.
Delegation of powers.

15. The Court may exercise all or any powers conferred on it by this Act through the Commissioners of the Divisions and the Collectors¹ of the Districts in which any part of the property of the disqualified proprietor may be situated, or through any other person whom it may appoint for such purpose.

The Court may, with the sanction of the Lieutenant-Governor² from time to time delegate any of its powers to such Commissioners or Collectors¹ or other person as aforesaid, and may at any time with the like sanction, revoke such delegation.

Establishments and expenses.

16. The Court may from time to time order such establishments to be entertained and expenses to be incurred as it shall consider requisite for the care and management of the persons and properties under its charge, for superintendence, for the audit of accounts, and generally for all purposes of this Act; and may order that such expenses, inclusive of all salaries, gratuities and payments on account of the leave-allowances of such establishments be charged against any one or more properties for the purposes of which such establishments are, or have been, entertained or such expenses have been incurred.

17. [General contribution for general purposes.] *Rep. by the Government Management of Private Estates Act, 1892 (10 of 1892), s. 9.*

Power to manage property.

18. The Court may sanction the giving of leases or farms of the whole or part of any property under its charge, and may direct the mortgage or sale of any part of such property, and may direct the doing of all such other acts as it may judge to be most for the benefit of the property and the advantage of the ward.

When Court may order property to be formed into separate estate.

19. If the Court thinks it expedient to direct the sale or mortgage of any part of an estate of which the ward is the sole proprietor, it may order the Collector¹ to partition off such part into a separate estate; and the demand of land-revenue and of the cesses for which the original estate was liable shall be assessed upon and divided between the two separate estates so formed, respectively, in such manner as the Court, with the sanction of the Lieutenant-Governor², may direct.

Appointment of managers and guardians.

20. The Court may appoint one or more managers for the property of any ward, and one or more guardians for the care of the person of any ward

¹ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

² In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III, ante.

³ This section was substituted for the original s. 16 by the Bengal Court of Wards (Amendment) Act, 1881 (Ben. Act III of 1881), s. 3, post. The original s. 16 ran thus:—

“16. The Court may from time to time order such establishments to be entertained and expenses to be incurred as it shall consider requisite for the care and management of the persons and properties under its charge, for superintendence, for the audit of accounts and generally for all purposes of this Act,

and may order that the cost of any such establishment and any such expenses be charged against any one or more properties for the purposes of which they are entertained or incurred.”

under the charge of the Court, and may control and remove any manager or guardian so appointed

On any disqualified proprietor becoming a ward, the Court may, at its discretion, confirm or refuse to recognize any appointment of a person to be guardian of such disqualified proprietor which may have been made by a will

21. The Court may make such orders as to it may seem fit in respect of the custody, education and residence of a minor ward, and such minor members of the ward's family as are under its charge, and in respect of the custody and residence of any ward, not being a minor, whose person is under the charge of the Court

Custody,
education
and residence
of wards.

22. The Court shall allow, for the support of each ward and of his family, such monthly sum as it thinks fit (if any) with regard to the rank and circumstances of the parties

Allowance for
ward and his
family.

PART III

PROTECTION FROM SALE OF CERTAIN ESTATES

23. *Clause 1*—Except as hereinafter provided by section 23A, every estate, and, subject to the provisions of section 14 of Act 11 of 1859,² every share or part of an estate for which a separate account has been opened under section 10 or section 11 of the said Act, or under section 70 of Bengal Act 7 of 1876,³ [and, subject to the provisions of section 70, sub-section (2), of the Assam Land and Revenue Regulation, 1886, every share or part of an estate for which a separate account has been opened under section 65 of the said Regulation],

Estate under
charge of
Court exempt
from sale.

shall be exempt from sale for arrears of Government revenue which have accrued whilst such estate, share or part has been under the charge of the Court.

Provided that all such arrears of revenue shall be the first charge upon the sale-proceeds of any estate, share or part which may be sold for any other cause than for such arrears of revenue

¹ Sections 23 and 23A here printed were substituted for the original s 23 by the Bengal Court of Wards (Amendment) Act, 1881 (Ben Act III of 1881), s 4, *post*. The original s 23 ran thus—

"23 Every estate, and, subject to the provisions of section 14 of Act XI of 1859, every part or share of an estate for which a separate account has been opened under section 10 or section 11 of the said Act, or under section 70 of Bengal Act VII of 1876, shall, whilst it is under the

charge

ceeds of any such
while under such

Recovery of
arrears of
revenue due
at time when
estate ceases
to be under
charge of
Court.

Clause 2.—If at the time when such estate, share or part ceases to be under the charge of the Court of Wards, an arrear of revenue is due on account thereof, the Collector¹ may attach such estate, share or part and collect the rent, cesses and other demands due, and all arrears thereof, managing such estate, share or part either directly or through a manager, or by farming it for a period not exceeding five years, as he may think fit :

Provided that, when such estate, share or part has been attached under the provisions of this clause, the proceeds shall be paid to the Collector¹; and the Collector,¹ after deducting the claims of Government for revenue and other public demands, together with any interest which has accrued upon such public demands other than Government revenue, and the charges of management due up to the date of making such deduction, shall release such estate, share or part from attachment, and pay any balance of the proceeds still remaining in his hands to the proprietor of such estate, share or part or to his duly constituted agent, and shall furnish such proprietor or agent with an account of the receipts and expenditure extending over the time when such estate, share or part was under attachment.

Conditions
under which
estate may be
sold for
arrear of
revenue
accrued
under
Court.

² **23 A.** Notwithstanding anything in clause 5, section 8, Regulation 1 of 1793,³ or in section 23 of this Act contained, any estate, share or part of an estate on which an arrear of revenue has accrued while under the charge of the Court may at any time be sold under the provisions of the law for the time being in force for the recovery of arrears of Government revenue, if the Court has certified in writing that the interests of the ward require that such estate, share or part be so sold, and has stated in such writing the reasons upon which it has arrived at such conclusion.

Restriction
on sale for
arrears of
revenue of
estate belong-
ing to minor.

24. No estate the sole property of a minor or of two or more minors, and descended to him or them by the regular course of inheritance, or by virtue of the will of, or some settlement made by, some deceased owner thereof, shall be sold for arrears of revenue accruing subsequently to his or their succession to the same, until such minor or one of such minors has completed his age of twenty-one years; but all arrears of revenue shall be the first charge upon the proceeds of such estate if the estate is sold for any other cause during such minority.

Power of
Collector to
attach such
estate.

The Collector¹ may, on an arrear so accruing on any such estate, attach the estate and collect the rents and all arrears of rent due, managing the estate either directly or through a manager or by farming it, as he may think fit, for a period not exceeding ten years, nor extending beyond the time when such minor or one of such minors completes his age of twenty-one years.

Section 24
not to apply
unless notice
given.

25. The exemption from sale for arrears of revenue given by section 24 shall only apply to cases in which a written notice of the fact that the estate

¹ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

² S. 23A is new—see footnote to s. 23, *ante*.

³ The Bengal Permanent Settlement Regulation, 1793. It is printed *ante*.

is the sole property of one or more minors, and entitled to such exemption, has been served on the Collector¹ before the sale

26. When an estate has been farmed under the provisions of section 24, the proceeds of such farm shall be paid to the Collector¹, and the Collector,¹ after deducting the amount of the claims of the Government for revenue and other public demands, and the charges of management, shall either pay the proceeds to the person authorized to receive them for the proprietor, or shall dispose of them in any of the modes mentioned in section 49 or in section 50

Application of proceeds of estate farmed under section 24.

PART IV

ASCERTAINMENT OF DISQUALIFICATION

27. Whenever any Collector¹ has reason to believe that any person residing in his district or being the proprietor of an estate borne on the revenue roll of his district, should be declared or adjudged to be a disqualified proprietor under section 6, he shall make such inquiry as he may deem necessary, and, if satisfied that such person should be so declared or adjudged, shall make a report of the same to the Court,

Procedure for ascertaining and declaring disqualification

and the Court shall, on receipt of such report, make such order consistent with this Act as may seem to it expedient

28. Nothing in section 27 shall prevent the Court or the Local Government² from putting the provisions of this Act in force without any report from the Collector

Power to enforce provisions of Act without report

29. Whenever any Collector¹ receives information that the sole proprietor of an estate which is borne on the revenue roll of his district has died, or that the sole proprietor of any estate has died within his district, and such Collector¹ has reason to believe that the heirs of such proprietor should be declared or adjudged to be disqualified under section 6, he may take such steps and make such orders for the safety and preservation of the moveable property of such heirs, and of all deeds, documents or papers relating to the property of such heirs, as to him may seem fit

Powers of Collector as to preservation of property on death of a proprietor whose heirs should be declared disqualified

Such Collector¹ may call upon any other Collector¹ in whose jurisdiction any such moveable property, or any such deeds, documents or papers may be, to take charge of the same, and thereupon such other Collector¹ shall have the same powers with respect to such property, deeds, documents and papers within his district as are conferred by this section on the first mentioned Collector.¹

Recovery of expenses if property is not taken under charge of Court.

If the property is not afterwards taken under the charge of the Court, all expenses incurred by a Collector¹ acting under this section shall be recoverable as arrears of revenue from the owner of such property or the person or persons whom the Collector¹ shall find to be in possession of such property, and shall constitute a demand under Bengal Act 7 of 1868,² or any similar law³ for the time being in force.

Production of minor proprietor, and order for his temporary custody.

30. A Collector¹ acting under the last preceding section may direct that any person who has the custody of a minor heir of any such deceased proprietor shall produce such minor before such Collector¹ or before any other Collector¹ on a day fixed; and the Collector¹ before whom the minor is so produced may make such order for the temporary custody and protection of such minor as to him may seem fit.

If the minor is a female, she shall not be brought into the presence of the Collector¹; but the Collector¹ may take such steps for her identification as he may think fit.

Application to Civil Court in case of lunatics.

31. If a sole proprietor of an estate, who does not reside within the local limits of the ordinary original civil jurisdiction of the High Court, is reported by a Collector¹ to be of unsound mind and incapable of managing his affairs, the Court may order the Collector¹ making such report, or such other Collector¹ as the Court may appoint, to apply, in pursuance of the provisions of Act 35 of 1858,⁴ to the Civil Court of the district within the jurisdiction of which such proprietor may reside.

Application to Civil Court to make inquiry regarding disqualification on ground of physical defect or infirmity.

32. If a sole proprietor of an estate, who does not reside within the local limits of the ordinary original civil jurisdiction of the High Court, is reported by a Collector¹ to be incapable of managing his property on the ground of some physical defect or infirmity other than unsoundness of mind, the Court may order the Collector¹ making such report, or such other Collector¹ as the Court may appoint, to apply to the principal Civil Court of the district within which such person may be residing; and upon such Collector¹ so applying such Civil Court shall inquire into and determine the question as to the alleged incapacity.

Similar application when proprietor resides within original jurisdiction of High Court or beyond Bengal.

33. If a sole proprietor of an estate, who is resident within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Fort William in Bengal, or resident beyond the territories administered by the Lieutenant-Governor of Bengal⁵ shall be reported by a Collector¹ to be incapable of managing his property by reason of some physical defect or infirmity other than unsoundness of mind, the Court may order the Collector¹ making such report, or such other Collector¹ as the Court may

¹ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

² The Bengal Land-revenue Sales Act, 1868. It is not in force in Assam.

³ See now (in Assam) the Assam Land and Revenue Regulation, 1886 (I of 1886), Ch. V, ante.

⁴ The Lunacy (District Courts) Act, 1858. See now the Indian Lunacy Act, 1912 (IV of 1912), by which it has been repealed.

⁵ In Assam, the Chief Commissioner—see the Bengal Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III, ante.

appoint to apply to the principal Civil Court of the 24 Parganas, or to such other Civil Court as the Lieutenant-Governor,¹ on application made to him by the Collector ² in that behalf, may determine

Such Civil Court shall thereupon inquire into and determine the question as to the alleged incapacity.

34. When any inquiry is instituted by a Civil Court under section 32 or section 33, such Court shall, for the purposes of making such inquiry, have the powers conferred, and proceed in the manner prescribed, by Act 35 of 1858³ with respect to the inquiries directed to be made by the said Act

Powers and duties of Courts when inquiry is instituted under section 32 or 33

The Civil Court shall transmit to the Court of Wards a copy of the order made on each such inquiry, and the Court of Wards shall thereupon, in case the proprietor has been found by the Civil Court to be incapable as afore said, make such order, consistent with this Act, as it shall think fit

The Civil Court shall have, with reference to proprietors who have been adjudged to be incapable as aforesaid, the same powers as are conferred on a Civil Court by section 21 of Act 35 of 1858³ with reference to persons adjudged to be of unsound mind and incapable of managing their affairs

34 A. All expenses incurred by a Collector ² in taking action under section 31, section 32 or section 33 in respect of any person shall, if the property of such person be not taken under the charge of the Court, be recoverable, from such person or from the person whom the Collector finds to be in possession of such property, as if it were an arrear of land-revenue ⁵

Recovery of expenses incurred by Collector under sections 31 to 33

PART V

PROCEDURE AFTER ASCERTAINMENT OF DISQUALIFICATION.

35. Whenever the Court has determined to take the person or property of a disqualified proprietor under its charge, whether in accordance with an order of the Civil Court or otherwise, the Court shall make an order declaring the fact and directing that possession be taken of such person and property or of such property on behalf of the Court, and the Court shall be held to be in charge of such property from the time when possession shall have been so taken

Order declaring person or property to be under charge of Court

36. As soon as conveniently may be after an order is made under the provisions of section 35, the Collector ² of every district within which any part of the ward's property may be situated, or some person authorized in writing by him in that behalf, shall take possession of all accounts, papers and

Collector to take possession of moveable property.

¹ In Assam, the Chief Commissioner—see the Bengal Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III, ante

² In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12

³ The Lunacy (District Courts) Act, 1858. See now the Indian Lunacy Act 1912 (II of amendment)

moveable property of the ward, and place under proper custody such portion thereof as he may think necessary.

Any such Collector¹, or some person authorized as aforesaid, may, in case he has reason to believe that any such account, paper or property is in any room, box or receptacle within any house in the actual possession of the ward, break open the same for the purpose of searching for such account, paper or property.

Additional
powers of
Collector.

37. Any such Collector¹ may also order all persons in the employ of the ward, or all persons who were in the employ of the deceased proprietor from whom the ward has derived his property, to attend before him,

and may order any person to deliver up any accounts, papers or moveable property belonging to the ward, or any accounts or papers relating to the ward's property, which the Collector¹ has reason to believe are in such person's possession,

and may order all holders of tenures and under-tenures on such property to produce their titles to such tenures and under-tenures.

PART VI.

MANAGEMENT AND GUARDIANSHIP.

Collector
when to be
deemed
manager.

38. If no manager of the property of a ward is appointed by the Court, the Collector¹ of the district in which the greater part of such property is situated, or any other Collector¹ whom the Court may appoint in that behalf, shall be competent to do, under the orders of the Court, anything that might be lawfully done by the manager of such property.

Powers of
manager.

39. Every manager appointed by the Court shall have power to manage all property which may be committed to his charge, to collect the rents of the land entrusted to him, as well as all other money due to the ward, and to grant receipts therefor ;

and may, under the orders of the Court, grant or renew such leases and farms as may be necessary for the good management of the property.

General
duties of
manager.

40. Every manager shall manage the property committed to him diligently and faithfully for the benefit of the proprietor, and shall, in every respect, act to the best of his judgment for the ward's interest as if the property were his own.

Specific
duties of
manager.

41. Every manager appointed by the Court shall—

- (a) have the care of so much of the property of the ward as the Court may direct ;
- (b) give such security (if any) as the Court thinks fit, to the Collector,¹ duly to account for all such property and for what he shall receive in respect of such property ;

¹ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

- (c) continue liable to account to the Court, after he has ceased to be manager, for his receipts and disbursements during the period of his management,
- (d) pass his accounts at such periods and in such forms as the Court may direct,
- (e) pay the balance due from him thereon,
- (f) apply for the sanction of the Court to any act which may involve the property in expense not previously sanctioned by such Court,
- (g) sign all papers, deeds, documents and writings which may be executed by him by virtue of his office,
- (h) be entitled to such allowance, to be paid out of the property, as the Court may think fit, for his care and pains in the execution of his duties,
- (i) be responsible for any loss occasioned to the property by his wilful default or gross negligence

42. A guardian appointed to the care of a ward shall be charged with the custody of the ward, and must look to his maintenance, health, and, if he be a minor, to his education

General duties of guardian

43. Every guardian appointed by the Court shall—

- (a) give such security (if any) as the Court thinks fit, to the Collector¹ for the due performance of his duty,
- (b) pass his accounts at such periods and in such form as the Court may direct,
- (c) pay the balance due from him thereon,
- (d) continue liable to account to the Court, after he has ceased to be guardian, for his receipts and disbursements during the period of his guardianship,
- (e) apply for the sanction of the Court to any act which may involve expense not previously sanctioned by the Court,
- (f) be entitled to such allowance, to be paid out of the property of the ward, as the Court may think fit for his care and pains in the execution of his duties

Specific duties of guardian

44. No person who would be the next legal heir of a ward, or would otherwise be immediately interested in outliving a ward, shall be appointed to be his guardian, but nothing in this section shall apply to the mother of a ward or to a testamentary guardian

Exclusion of certain interested persons from guardianship

45. If the ward is a female, a female of the same religion shall, except in the case of a testamentary guardian, be appointed guardian, preference being given to female relatives if any such be eligible

Who to be guardian of female ward

But no guardian shall ordinarily be appointed or continued for a female ward if she has an adult husband

¹ In Assam the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, supplt., 1901, p. 12

Recovery of sums due to the Court.

46. Every sum due to the Court from a manager or guardian or from the sureties of a manager or guardian, or from any officer or servant employed under the Court, or from the sureties of any such officer or servant, shall be recoverable as a demand under Bengal Act 7 of 1868¹ or any similar law² for the time being in force.

Court may order guardian or manager to make over property.

47. The Court may order any past or present manager or guardian, or past or present officer subordinate to a manager or guardian, to deliver up his accounts or any property which may be in his possession within such time as may be fixed by the Court.

Application of moneys received by manager.

³ **48.** All moneys received by the manager shall be applied to the purposes hereinafter mentioned, in accordance with such instructions as the Court may from time to time give in that behalf. Unless the Board of Revenue⁴ shall specially otherwise direct, priority shall be given to the purposes included under Class I over those included in Class II, and priority shall be given to the purposes included in Class II over those included in Class III.

CLASS I.

The payment of all charges necessary for the maintenance, education and religious observances of the ward and his family,

for the management and supervision of the property of the ward, and the discharge of the instalments of Government revenue and of all cesses and other public demands from time to time due in respect of such property or any part of such property.

CLASS II.

The payment of all rents, cesses and other demands due to any superior landlords in respect of any land held on behalf of the ward,

the liquidation of debts payable by the ward,

the payment of all expenses which may be necessary to protect the interests of the ward in the Civil Courts or otherwise,

the maintenance in an efficient condition of the estates, buildings and other immoveable property belonging to the ward, and

the payment of such religious, charitable and other allowances as were paid out of the proceeds of the property before it came under the charge of the Court, and such allowances and donations befitting the position of the ward's family as the Court may authorize to be paid.

¹ The Bengal Land-revenue Sales Act, 1868. It is not in force in Assam.

² See now (in Assam) the Assam Land and Revenue Regulation, 1886 (I of 1886), Ch. V, *ante*.

³ This section was substituted for the original s. 48 by the Bengal Court of Wards (Amendment) Act, 1881 (Ben. Act III of 1881), s. 5, *post*.

⁴ Now in Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III, *ante*.

CLASS III.

The improvement of the land and property of the ward, and the benefit of the ward and his property generally

[Provided that the amount expended for such improvement and benefit in any one year shall not exceed ten per centum of the surplus which the accounts of the previous year may show to have been available after paying or making provision for the payment of all expenses incurred up to the end of such previous year, unless, in the opinion of the Court and of the Lieutenant Governor, it is desirable for the protection or in the interests of the ward or his property to expend an amount exceeding such percentage] *Amount to be expended on improvement* This proviso was repealed by the Court of Wards Act (Bengal) Amendment Act, 1892 (4 of 1892), section 9, *but is reprinted as it is referred to in the next following section*

¹ 49. If the ward is a female of sound mind, who has completed her age of twenty-one years, or a male who has completed his age of twenty-one years, whose property ² [is under the charge of the Court under clause (e) of section 6, or under the second clause of section 11], no part of the surplus mentioned in the proviso to the section immediately preceding shall be expended by the Court otherwise than in the liquidation of debts or in the improvement of the lands or property as aforesaid *Disposal of surplus monies.*

Any portion of such surplus remaining, after provision has been made for such purposes, shall be paid to such ward

Provided that, before paying any portion of such surplus to such ward, the Court may deduct therefrom and retain at its disposal any sums which it may consider necessary to retain—

- (1) as a working balance for the management of the property and expenses incidental thereto,
- (2) in order to make provision for any special charges which are expected to become payable on account of the property, and which probably cannot be met from the expected surplus of the following years.

50. If the ward is not a female or ³ [male] as aforesaid, and if any surplus remains after providing, so far as the Court may think fit, for the objects mentioned in ⁴ [section 48,] the same shall be applied in the purchase of other landed property, or invested at interest on the security of— *Power to invest surplus.*

promissory notes, debentures, stock and other securities of the Government of India or of the United Kingdom of Great Britain and Ireland,

bonds, debentures and annuities charged by the Imperial Parliament on the revenues of India,

by the Bengal Court of Wards (Amendment) Act, 1892, section 9, substituted for the words "remains under

¹ section 4) by the same section, *post*

stock or debentures of or shares in railway or other companies, the interest whereon has been guaranteed by the Secretary of State for India in Council ; debentures or other securities for money paid by or on behalf of any municipal body under the authority of any Act of a Legislature established in British India ; or

such other securities, stocks or shares, guaranteed by the Government of India or the Government of Bengal,¹ as to the Court shall seem fit,² [or mortgages on immoveable property].

PART VII.

SUITS.

Manager or Collector to be next friend or guardian in suits by or against ward.

51. In every suit brought by or against any ward he shall be therein described as a ward of Court ; and the manager of such ward's property, or, if there is no manager, the Collector³ of the district in which the greater part of such property is situated, or any other Collector³ whom the Court of Wards may appoint in that behalf, shall be named as next friend or guardian for the suit, and shall in such suit represent such ward ; and no other person shall be ordered to sue or be sued as next friend or be named as guardian for the suit by any Civil Court in which such suit may be pending.

Power of Court of Wards to nominate another person to be next friend or guardian for suit.
Payment of costs.

52. The Court of Wards may, by an order, nominate or substitute any other person to be next friend or guardian for any such suit ; and, upon receiving a copy of any such order of substitution, the Civil Court in which such suit is pending shall substitute the name of the next friend or guardian for the suit so appointed for the name of the manager or Collector.³

53. If in any such suit any Civil Court shall decree any costs against the next friend or guardian for the suit of the ward, the Court of Wards shall cause such costs to be paid out of any property of the ward which for the time being may be in its hands.

Service of process against wards.

54. Every process which may be issued out of any Civil Court against any ward shall be served, through the Collector³, upon the next friend or guardian for the suit as aforesaid of such ward.

Suits not to be brought on behalf of wards unless authorized by the Court of Wards.

55. No suit shall be brought on behalf of any ward⁴ [by a manager] unless the same be authorized by some order of the Court :

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III, *ante*.

² The words in square brackets were added by the Eastern Bengal and Assam Court of Wards (Amendment) Act, 1911 (E. B. and A. Act I of 1911), *post*. The Amending Act has been extended under section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), to the districts of Sylhet, Cachar (excluding the North Cachar sub-division), Goalpara, Kamrup, Nowgong, Darrang, Sibsagar and Lakhimpur : see Gazette of India, 1911, Pt. I, p. 1042.

³ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

⁴ The words "by a manager" in s. 55 were inserted by the Bengal Court of Wards (Amendment) Act, 1881 (Ben. Act III of 1881), s. 7, *post*.

Provided that a manager may authorize a plaint to be filed in order to prevent a suit from being barred by the law of limitation, but such suit shall not be afterwards proceeded with except under the sanction of the Court

Provided also that suits for arrears of rent may be brought on behalf of any ward if authorized by an order of the manager of the landed property on which such rents are due

56. Nothing contained in this Part shall apply to any suit instituted or pending in the High Court * * * * *

Saving of suits in High Court

PART VIII

PENALTIES

57. Any person who refuses to comply with an order of a Collector² under section 29, 30, 36 or 37 shall be liable, by order³ of the Collector,² to a fine not exceeding five hundred rupees

For disobeying certain orders of Collector

58. Any person who refuses to comply with an order made under section 47 may be punished, by order³ of the Court, with simple imprisonment and attachment of his property until the order is complied with

For disobeying orders under section 47.

¹[Provided that the Collector² may release any person who has been so imprisoned, on his furnishing sufficient security for his attendance and for the delivery of the accounts or property required within such time as the Collector² shall think fit. The Collector² may, at any time, rescind such order of release, and direct that effect shall be given to the previous order of imprisonment.]

⁵58 A. Any farmer, holding or having held lands under the Court, who, upon notice served upon him to that effect at any time during the currency of the lease or within six months after the expiry of the lease under which such lands were held or after he has relinquished such lands omits or refuses to furnish accounts or produce documents or papers required under such notice, and shall not show sufficient cause for such omission or refusal, shall be liable to such fine as the Collector² may think fit to impose, not exceeding one hundred rupees, for such omission, and the Collector² may impose such further daily fine as he may think proper, not exceeding twenty rupees for each day during which such farmer shall omit to furnish the accounts, documents or papers required after a date to be fixed by the Collector² in a notice warning the farmer that such further daily fine will be imposed

Penalty on farmer neglecting to furnish accounts etc

¹ The words 'or to a manager' have been omitted in clause (e) of section 6 of the Court of Wards Act (Ben. the Eastern Bengal and Assam Act 1907) s. 8, and are omitted

² In Assam the Deputy Commissioner—see the Assam Local Statutory Rules and Orders Suppl., 1901, p. 12.

³ A formal record must be made when an order is passed under s. 57 or s. 58—see s. 61 post. This proviso was added to s. 58 by the Bengal Court of Wards (Amendment) Act 1891 (Ben. Act III of 1891) s. 5, post.

⁵ S. 58A was inserted by s. 9 of the same Act post.

stock or debentures of or shares in railway or other companies, the interest whereon has been guaranteed by the Secretary of State for India in Council; debentures or other securities for money paid by or on behalf of any municipal body under the authority of any Act of a Legislature established in British India; or

such other securities, stocks or shares, guaranteed by the Government of India or the Government of Bengal,¹ as to the Court shall seem fit,² [or mortgages on immoveable property].

PART VII.

SUITS.

51. In every suit brought by or against any ward he shall be therein described as a ward of Court; and the manager of such ward's property, or, if there is no manager, the Collector³ of the district in which the greater part of such property is situated, or any other Collector³ whom the Court of Wards may appoint in that behalf, shall be named as next friend or guardian for the suit, and shall in such suit represent such ward; and no other person shall be ordered to sue or be sued as next friend or be named as guardian for the suit by any Civil Court in which such suit may be pending.

52. The Court of Wards may, by an order, nominate or substitute any other person to be next friend or guardian for any such suit; and, upon receiving a copy of any such order of substitution, the Civil Court in which such suit is pending shall substitute the name of the next friend or guardian for the suit so appointed for the name of the manager or Collector.³

53. If in any such suit any Civil Court shall decree any costs against the next friend or guardian for the suit of the ward, the Court of Wards shall cause such costs to be paid out of any property of the ward which for the time being may be in its hands.

54. Every process which may be issued out of any Civil Court against any ward shall be served, through the Collector³, upon the next friend or guardian for the suit as aforesaid of such ward.

55. No suit shall be brought on behalf of any ward⁴ [by a manager] unless the same be authorized by some order of the Court:

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III, *ante*.

² The words in square brackets were added by the Eastern Bengal and Assam Court of Wards (Amendment) Act, 1911 (E. B. and A. Act I of 1911), *post*. The Amending Act has been extended under section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), to the districts of Sylhet, Cachar (excluding the North Cachar sub-division), Goalpara, Kamrup, Nowgong, Darrang, Sibsagar and Lakhimpur: see Gazette of India, 1911, Pt. I, p. 1042.

³ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

⁴ The words "by a manager" in s. 55 were inserted by the Bengal Court of Wards (Amendment) Act, 1881 (Ben. Act III of 1881), s. 7, *post*.

Manager or Collector to be next friend or guardian in suits by or against ward.

Power of Court of Wards to nominate another person to be next friend or guardian for suit. Payment of costs.

Service of process against wards.

Suits not to be brought on behalf of wards unless authorized by the Court of Wards.

Provided that a manager may authorize a plaint to be filed in order to prevent a suit from being barred by the law of limitation, but such suit shall not be afterwards proceeded with except under the sanction of the Court

Provided also that suits for arrears of rent may be brought on behalf of any ward if authorized by an order of the manager of the¹landed property on which such rents are due

56. Nothing contained in this Part shall apply to any suit instituted or pending in the High Court * * * * *²1. Saving of suits in High Court.

PART VIII

PENALTIES

57. Any person who refuses to comply with an order of a Collector² under section 29, 30, 36 or 37 shall be liable, by order³ of the Collector,² to a fine not exceeding five hundred rupees For disobeying certain orders of Collector

58. Any person who refuses to comply with an order made under section 47 may be punished by order³ of the Court, with simple imprisonment and attachment of his property until the order is complied with For disobeying orders under section 47.

⁴[Provided that the Collector² may release any person who has been so imprisoned, on his furnishing sufficient security for his attendance and for the delivery of the accounts or property required within such time as the Collector² shall think fit. The Collector² may, at any time, rescind such order of release, and direct that effect shall be given to the previous order of imprisonment.]

⁵58 A. Any farmer, holding or having held lands under the Court, who, upon notice served upon him to that effect at any time during the currency of the lease or within six months after the expiry of the lease under which such lands were held or after he has relinquished such lands, omits or refuses to furnish accounts or produce documents or papers required under such notice, and shall not show sufficient cause for such omission or refusal, shall be liable to such fine as the Collector² may think fit to impose, not exceeding one hundred rupees, for such omission, and the Collector² may impose such further daily fine as he may think proper, not exceeding twenty rupees for each day during which such farmer shall omit to furnish the accounts, documents or papers required after a date to be fixed by the Collector² in a notice warning the farmer that such further daily fine will be imposed Penalty on farmer neglecting to furnish accounts etc.

¹ The words "or to a proprietor whose pr

² In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12

³ A formal record must be made when an order is passed under s. 57 or s. 58—see s. 61 post
⁴ This proviso was added to s. 58 by the Bengal Court of Wards (Amendment) Act, 1881 Ben. Act III of 1881) s. 8, post

⁵ S. 58A was inserted by s. 9 of the same Act post

Such notice shall be served by tendering to the person to whom it may be directed a copy thereof, attested by the Collector,¹ or by delivering such copy at the usual place of abode of such person or to some adult male member of his family; or, in case it cannot be so served, by posting some copy upon such conspicuous part of the usual or last-known place of abode of such person; and, in case such notice cannot be served in any of the ways hereinbefore mentioned, it shall be served in such a way as the Collector¹ issuing the notice may direct;

and the date fixed by such notice shall not be less than fifteen days after service thereof.

The Collector¹ may proceed from time to time to levy any amount which has become due in respect of any fine imposed under this section, notwithstanding that an appeal against the order imposing such fine may be pending:

Provided that, whenever the amount levied under such order shall have exceeded five hundred rupees, the Collector¹ shall report the case especially to the Commissioner of the division, and no further levy in respect of such fine shall be made otherwise than by the authority of the said Commissioner.

59. Any person who disobeys any lawful order of the Court shall be liable, on conviction before a Magistrate, to a fine not exceeding five hundred rupees and, if he is a manager or guardian appointed by the Court, to a fine not exceeding one thousand rupees.

259 A. Every person employed by the Court under this Act shall, for the purposes of the Indian Penal Code,³ be deemed to be a public servant. XLV

PART IX.

MISCELLANEOUS.

60. No ward shall be competent to create, without the sanction of the Court, any charge upon, or interest in, his property or any part thereof, ⁴[or to assign over or charge any allowance to be received by him from the Court].

60 A. No property which is or has been under the charge of the Court shall be liable at any time, except with the leave of the Court, to be taken in execution of a decree made in respect of any contract entered into by the ward without the leave of the Court while his property was under such charge.

60 B. For the purposes of Part VII and sections 60 and 60A, a person whose property is under the charge of the Court of Wards by virtue of the

¹ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

² This section was inserted by the Eastern Bengal and Assam Court of Wards (Amendment) Act, 1907 (E. B. and A. Act III of 1907), s. 9, printed *post*.

³ Genl. Acts, Vol. I.

⁴ These words in square brackets were added to s. 60 by the Court of Wards Act (Bengal) Amendment Act, 1892 (IV of 1892), s. 12, printed *ante*.

⁵ S. 60A was inserted by s. 13 of the same Act.

⁶ S. 60B was inserted by the Eastern Bengal and Assam Court of Wards (Amendment) Act, 1907 (E. B. and A. Act III of 1907), s. 10, printed *post*.

For disobey-
ing order of
Court.

Persons em-
ployed by
Court to be
' public
servants.'

Disabilities
of wards.

Exemption
of wards' -
property
from execu-
tion proceed-
ings in
certain cases.
Certain
persons to be
deemed to be
wards.

second clause of section 11, or charge of whose property has been retained under section 13A, shall be deemed to be a "ward," but only so far as regards such property.

61. No adoption by any ward, and [no written or verbal permission to adopt given by any ward, shall be valid without the consent of the Lieutenant-Governor,¹ obtained either previously or subsequently to such adoption, or to the giving of such permission, on application made to him through the Court

Adoption of ward invalid without consent of Lieutenant-Governor.

62. [Sections 60 and 61 not to apply in certain cases] Repealed by the Eastern Bengal and Assam Court of Wards (Amendment) Act, 1907 (E. B. and A. Act 3 of 1907), s. 11

63. [Arrears of rent how recoverable.] Rep. locally in Assam by the Public Demands Recovery Act, 1880 (Bengal Act 7 of 1880), and elsewhere in Assam by the Bengal Court of Wards (Amendment) Act, 1881 (Ben. Act 3 of 1881), s. 10²

63. Any amount of interest which has accrued due on arrears of rent, or other demand recoverable as rent, payable to the manager of an estate which is in charge of the Court, may be recovered in any manner and by any process according to which such arrears may be recovered under any law for the time being in force, and any Court or officer who is competent to make an order or certificate in execution of which such arrears or other demand are recoverable may direct that any costs incurred by the manager in obtaining such order or certificate, and in executing the same, shall be recovered in the same manner and by the same process as if the amount thereof had been included in the said order or certificate

Recovery of interest on arrears of rent.

64. When any penalty is imposed by any order under section 57 or section 58, the Collector⁴ or Court passing such order shall make a formal record of the same, with the reasons or grounds thereof.

Record of reasons why penalty imposed under section 57 or 58.

64 A. Any notice required to be published by the provisions of sub-section (1) of section 10A shall be published—

Publication of notices.

(a) in the English and in the Vernacular Official Gazettes;

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III, ante.

² Ben. Act VII of 1880 extended to Assam by Act III of 1881, s. 10, post.

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ment, Act, 1881 (Ben. Act III of 1881), s. 10, post.

⁴ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

⁵ S. 64A was inserted by the Eastern Bengal and Assam Court of Wards (Amendment) Act, 1907 (E. B. and A. Act III of 1907), s. 12, printed, post.

(b) for such period as the Court shall think fit, in the following newspapers—

- (i) a newspaper, if any, published in the district or division in which the ward ordinarily resides or has last resided ;
- (ii) two newspapers published in Dacca ;
- (iii) three daily newspapers ;

(c) by posting such notice on the notice-boards in the offices of the Collector and of the Judge of the district in which the place named in the notice is situate ;

(d) by beat of drum in the village in which the ward ordinarily resides or has last resided ; and

(e) in such other ways, if any, as the Court may, by rule, direct.

Procedure when Court's jurisdiction ceases;

65. Whenever the Court has determined to release the property of a ward from its charge, it shall make an order that the jurisdiction of the Court over such property shall cease on a date not more than sixty and not less than fifteen days from the date of such order ; and copies of such order shall be published as the Court may direct.

Recovery of expense for after release of property.

165 A. Any expense incurred by the Court on account of any property under its charge may, after the release of such property, be recovered ² [as if it were an arrear of land-revenue, or] as a demand under [Bengal Act 7 of 1880³ or] any [other] Act⁴ at the time being in force for the recovery of public demands, from any person into whose possession such property or any part thereof may have passed immediately after the release by the Court of such property :

Provided that the sum so recovered from any such person shall not be greater than the value of any such property which so passed into the possession of such person.

Judicial powers of Collector in making inquiries. Appeals.

66. A Collector⁵ making any inquiry under this Act may exercise any power conferred by the Code of Civil Procedure⁶ on a Civil Court for the trial of suits.

67. An appeal shall lie from every order of a Collector⁵ under this Act to the Commissioner of the Division and from every order of a Commissioner under this Act to the Court.

Control by Court.

68. All orders or proceedings of the Commissioner and of the Collector⁵ under this Act shall be subject to the supervision and control of the

¹ S. 65A was inserted by the Bengal Court of Wards (Amendment) Act, 1881 (Ben. Act III of 1881), s. 11, *post*.

² These words in square brackets in s. 65 A were inserted by the Eastern Bengal and Assam Court of Wards (Amendment) Act, 1907 (E. B. and A. Act III of 1907), s. 13, printed, *post*.

³ Ben. Act VII of 1880 is not now in force in any part of Assam.

⁴ See now, (in Assam) the Assam Land and Revenue Regulation, 1886 (I of 1886), Ch. V, *ante*.

⁵ In Assam, a Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

⁶ This reference to Act X of 1877 should now be read as applying to the Code of Civil Procedure, 1908 (Act V of 1908), in Genl. Acts, Vol. VI.

Court, and the Court may, if it thinks fit, revise, modify or reverse any such order or proceeding, whether an appeal is presented against such order or proceeding or otherwise

69. In the exercise of the powers and in the discharge of the duties conferred and imposed respectively on the Court by this Act, the Court shall be guided by such orders and instructions as it may from time to time receive from the Lieutenant Governor¹

Control by
Lieutenant-
Governor

70. The Court may make rules,² consistent with this Act —

Power to
Court to
make rules

- (a) defining the powers of Commissioners and Collectors³ respectively, when the property of a ward is situated in two or more districts or in two or more divisions,
- (b) prescribing what reports shall be made from time to time by Collectors³ and Commissioners on the condition of the ward and his property,
- (c) prescribing the periods at which, and the mode in which, accounts shall be submitted by managers and guardians respectively, and the mode in which such accounts shall be audited,
- (d) regulating the custody of securities and title deeds belonging to the estate or property of a ward,
- (e) regulating the procedure in appeals from orders of Collectors³ and Commissioners, respectively, under this Act,
- (f) prescribing the procedure to be observed when a property ceases to be under the charge of the Court, and
- (g) generally for the better fulfilment of the purposes of this Act,

The Court may from time to time alter, add to or repeal such rules

BENGAL ACT 5 OF 1880

(THE BENGAL VACCINATION ACT, 1880)

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- Extent

¹ In Assam Act 1912 (VI)

² As to rules

³ In Assam

Suppl., 1901, p. 1.

and Assam Laws

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- Objection to such extension.
- Procedure thereon.
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Unprotected child may be required to be vaccinated within fifteen days.
Public vaccinator bound to vaccinate all children brought to him.
- 4. Inspection.
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- 5. If child be unfit for vaccination, certificate in form A to be given, which shall remain in force for three months, but shall be renewable.
- 6. Provision for giving certificates of insusceptibility of successful vaccination.
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THE FIRST SCHEDULE

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- SCHEDULE B
- SCHEDULE C
- SCHEDULE D
- SCHEDULE E
- SCHEDULE F.

and of
unprotected
children
brought to
reside in such
limits,

the parent or guardian¹ of every unprotected child under the age of fourteen years brought to reside, whether temporarily or permanently, in such place aforesaid shall, within six months after such child's arrival in such place, or, if the child be at the time of its arrival less than one year old, within one year and three months after its birth, and

or living in
such limits at
the date of
this Act
coming into
force,
must procure
their
vaccination.

the parent or guardian of every unprotected child living in such place at the date of this Act coming into force therein, and whose age at such date exceeds one year but does not exceed fourteen years, shall, within six months from the said date,

Unprotected
child may be
required to be
vaccinated
within fifteen
days.

take it, or cause it to be taken, to a public vaccine-station to be vaccinated, or shall within such period as aforesaid cause it to be vaccinated by some medical practitioner or public vaccinator; ¹[and the parent or guardian of every unprotected child may, whenever the Superintendent of Vaccination, as hereinafter ² appointed, shall deem it expedient, be served with a notice in the form prescribed in the first Schedule of this Act, requiring the parent or guardian, within fifteen days after the service of the same, to take such child, or cause such child to be taken to a public vaccine-station to be vaccinated, or within such period as aforesaid to cause it to be vaccinated by some medical practitioner or public vaccinator;

and every such parent or guardian shall within the said period comply with the requisition];

Public
vaccinator
bound to
vaccinate all
children
brought to
him.

and any public vaccinator to whom such child, or to whom any child, under the age of fourteen years, is brought for vaccination at such vaccine-station, or who is requested to vaccinate such child elsewhere than at a public vaccine-station is hereby required, with all reasonable despatch, subject to the conditions hereinafter mentioned, to vaccinate such child.

Inspection.

4. ³[At an appointed hour on the same day in the following week after the operation shall have been performed, or on an earlier day, if required, the parent or guardian shall cause the child to be inspected by the operator, or by any person deputed for that purpose by the Superintendent of Vaccination, that the result of the operation may be ascertained;

and it shall be the duty of any public vaccinator who has vaccinated a child elsewhere than at a public vaccine-station to visit the child at the time and for the purpose abovementioned, whether he is requested to do so or not, unless the Superintendent of Vaccination has deputed some other person to act for such public vaccinator in this behalf.]

Repetition of
vaccination.

In the event of the vaccination being unsuccessful, such parent or guardian shall, if the public vaccinator or medical practitioner so direct, cause the child to be forthwith again vaccinated and subsequently inspected as on the previous occasion.

¹ This clause in square brackets in s. 3 was inserted by the Bengal Vaccination (Amendment) Act, 1887 (Ben. Act II of 1887), s. 3, printed *post*.

² Sec. ss. 16, 25 *post*.

³ This paragraph in square brackets in s. 4 was substituted for the original paragraph by the Bengal Vaccination (Amendment) Act, 1887 (Ben. Act II of 1887), s. 4, printed *post*.

No fee shall be charged by a public vaccinator for anything done by him under this section

5. If any public vaccinator or medical practitioner shall be of opinion that any child is not in a fit state to be vaccinated he shall forthwith deliver to the parent or guardian of such child a certificate under his hand according to the form of Schedule A hereto annexed, or to the like effect, that the child is then in a state unfit for vaccination

If child be unfit for vaccination certificate in form A to be given,

The said certificate shall remain in force for three months only, but shall be renewable for successive periods of three months until a public vaccinator or medical practitioner shall deem the child to be in a fit state for vaccination, when the child shall, with all reasonable despatch, be vaccinated, and a certificate of successful vaccination given in the form of Schedule C hereto annexed, according to the provisions of section 7, if warranted by the result

which shall remain in force for three months, but shall be renewable

6. If any public vaccinator or medical practitioner shall find that a child whom he has three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that the child brought to him for vaccination has already been successfully inoculated or had the small pox, he shall deliver to the parent or guardian of such child a certificate under his hand, according to the form of Schedule B hereto annexed, or to the like effect,

Provision for giving certificates of insusceptibility of successful vaccination

and, if the Superintendent of Vaccination be satisfied that such child is insusceptible of successful vaccination, he shall endorse such certificate, and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated

7. Every public vaccinator or medical practitioner who shall have performed the operation of vaccination upon any child, and shall have ascertained that the same has been successful, shall deliver to the parent or guardian of such child a certificate according to the form of Schedule C hereto annexed, or to the like effect, certifying that the said child has been successfully vaccinated

Provision for giving certificates of successful vaccination

8. No fee or remuneration shall be charged by any public vaccinator to the parent or guardian of any child for any such certificate as aforesaid nor for any vaccination done by him in pursuance of this Act at a public vaccination station

No fee to be charged for vaccination at a public vaccination station or for certificates

But, when a public vaccinator attends at the request of the parent or guardian elsewhere than at a public vaccination station for the purpose of vaccinating a child, he shall be paid a fee not exceeding eight annas, such fee to be devoted to the purposes in the next succeeding section mentioned

9. All such fees shall, in Calcutta, be paid in by the public vaccinator to the credit of the Corporation of the town of Calcutta, and be by them appropriated for the purposes of this Act

Fees how to be appropriated

In places outside Calcutta such fees shall be appropriated as the Lieutenant-Governor may, from time to time, direct

¹ In Assam, the Chief Commissioner—see the Bengal Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III

concerning whom he receives a duplicate certificate in the form of the said Schedule A, together with the date of such duplicate certificate, and of each such successive duplicate certificate if he receives more than one ; and shall show the number and year of the entry, if any, in the register of births in which such child's birth has been registered.

Transmission
of returns to
Superin-
tendent.

23. Every Registrar shall transmit, on or before the fifteenth of every month, to the Superintendent of Vaccination, a return, in such form as may, from time to time, be prescribed by the rules made under section 33, of all cases in which duplicate certificates have not been duly received by him, in pursuance of the provisions of this Act, during the last preceding month.

Lieutenant-
Governor
may direct
any person to
perform
duties of
Registrar.

24. The Lieutenant-Governor¹ may direct that the duties imposed on the Registrar of Births under sections 19, 20, 21, 22 and 23 shall be performed by any other person appointed by the Lieutenant-Governor.¹

PROCEDURE APPLICABLE OUTSIDE THE TOWN OF CALCUTTA.

Powers of
Corporation
may be exer-
cised in mu-
fassal by
Magistrate of
the district ;
and of Super-
intendent of
Vaccination
by Civil
Surgeon.

25. In any municipality other than the Town of Calcutta, and in any local area to which this Act may hereafter be extended,² the Magistrate of the district³ may exercise all or any of the powers by this Act conferred upon the Corporation ;

and the Civil Surgeon of the district, or such other officer as the Lieutenant-Governor¹ may, from time to time, appoint in that behalf, shall exercise the powers and perform the duties by this Act assigned to the Superintendent of Vaccination.

PROSECUTIONS AND OFFENCES.

Magistrate
may make an
order for the
vaccination
of any unpro-
tected child
under four-
teen years.

26. If the Superintendent of Vaccination shall notify in writing to a Magistrate that he has reason to believe, from the statement of an informant or otherwise, that any child under the age of fourteen years is an unprotected child, and that he has given notice to the parent or guardian of such child, to procure its being vaccinated, and that the said notice has been disregarded, such Magistrate may summon such parent or guardian to appear with the child before him ; and if the Magistrate shall find, after such inquiry as he shall deem necessary, that the child is an unprotected child, he may, whether the child has been produced or not, make an order directing such child to be vaccinated within a certain time.

If the child is at any time produced before him, the Magistrate may, unless the child is certified under section 5 to be in a state unfit for vaccination, order it to be vaccinated forthwith in his presence, and in that case may

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III., *ante*.

² See s. 1, *ante*.

³ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl. 1901, p. 12.

punish such parent or guardian for any recnsancy^u under this clause with fine which shall not exceed five rupees

If, at the expiration of the time appointed by the Magistrate, the child shall not have been vaccinated or shall not be shown to be then unfit to be vaccinated, or to be insusceptible of vaccination, the person upon whom such order shall have been made shall, unless he can show some reasonable ground for his omission to carry the order into effect, be punished with fine which may extend to fifty rupees

Penalty for disobedience of such order.

Provided that, if the Magistrate shall be of opinion that the person is improperly brought before him, and shall refuse to make an order for the vaccination of the child, he may direct the said Superintendent to disclose the name of his informant, if any, and may order such informant to pay to such person such sum of money as the Magistrate shall consider a fair compensation for expenses and loss of time in attending before him.

Proviso for costs to person improperly summoned

Provided also that nothing in this section shall be held to compel the production before a Magistrate of any female child above the age of eight years

27. If any parent or guardian intentionally omits to produce a child whom he has been summoned to produce under the last preceding section, he shall be liable to fine which may extend to one hundred rupees and to a further fine of twenty five rupees for every day during which the offence continues

Penalty for not producing a child.

Provided that the aggregate amount of fine for such offence shall not exceed one thousand rupees

28. Whoever, in contravention of this Act,

(a) neglects without reasonable excuse to submit himself within fifteen days after the service on him of the notice prescribed by section 11, to a public vaccinator or medical practitioner to be vaccinated, or after vaccination to be inspected, or

Penalty or neglect to be vaccinated

(b) neglects without reasonable excuse to take or cause a child to be taken to be vaccinated, or after vaccination to be inspected, or

Penalty for neglect to take child to be vaccinated, etc

(c) neglects to fill up and sign and give to any person or to the parent or guardian of any child any certificate which such person parent or guardian is entitled to receive from him, or to transmit a duplicate of the same to the Registrar of Births,

shall be punished for each such offence with fine which may extend to fifty rupees

No prosecution under the section shall be instituted after the expiry of twelve months from the date on which the offence has been committed

29. Whoever wilfully signs or makes or procures the signing or making of, a false certificate or duplicate certificate under this Act, shall be punished with imprisonment of either description, within the meaning of certificate

Penalty for making or signing false certificate

the Indian Penal Code,¹ for a term which may extend to six months, or with fine which may extend to one hundred rupees or with both.

2 29A. Whoever voluntarily obstructs any public vaccinator in the discharge of the duties assigned to him as such shall be punished for each such offence with fine which may extend to fifty rupees.

2 29B. Any public vaccinator who vexatiously and unnecessarily enters any house, enclosure, vessel or other place, on pretence of ascertaining whether the inmates, or any of them, are protected or not, shall, for every such offence, be punished with fine which may extend to fifty rupees.

30. All offences under this Act shall be cognizable by a Magistrate, subject to the provisions of any law³ for the time being in force for the trial of offences; but no complaint of any such offences shall be entertained unless the prosecution be instituted by order of, or under authority from, the Lieutenant-Governor⁴ or the Superintendent of Vaccination.

31. In any prosecution for neglect to procure the vaccination of a child it shall not be necessary in support thereof to prove that the defendant had received notice from the Registrar or any other officer of the requirements of the law in this respect;

but, if the defendant produce any such certificate as hereinbefore described or the duplicate of the register of births or the register of postponed vaccinations kept by the Registrar as hereinbefore provided, in which such certificate shall be duly entered, the same shall be a sufficient defence for him, except in regard to the certificate according to the form of the said Schedule A, when the time specified therein for the postponement of the vaccination shall have expired before the time when the information shall have been laid.

MISCELLANEOUS.

32. It shall be the duty of the Superintendent of Vaccination to show in an annual return the number of children successfully vaccinated, the number whose vaccination has been postponed, and the number certified to be insusceptible of successful vaccination during the year; and generally to fill up any forms that may be prescribed, from time to time, by the Lieutenant-Governor⁴ or the Corporation.⁵

33. The Lieutenant-Governor⁴ may, from time to time, make rules or issue orders, consistent with this Act,—

(a) determining the qualifications to be required of public vaccinators;

¹ Genl. Acts, Vol. I

² Ss. 29A and 29B were inserted by the Bengal Vaccination (Amendment) Act, 1887 (Ben. Act II of 1887), s. 8, printed *post*.

³ See now the Code of Criminal Procedure, 1898 (Act V of 1898), in Genl. Acts, Vol. V.

⁴ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III *ante*.

⁵ In Assam, the Deputy Commissioner may exercise all or any of the powers conferred by this Act on the Corporation—see s. 25 *ante*.

Penalty for obstructing public vaccinator in the discharge of his duties.

Vexatious entry by public vaccinator.

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Lieutenant-Governor to make rules.

- (b) regulating the scale of fees to be paid outside the town of Calcutta ;
 - (c) regulating the gratuitous vaccination of such females as are by the custom of the country unable to attend at the public vaccine stations and are too poor to pay fees ,
 - (d) providing for the supply of lymph ,
 - (e) regulating the books and forms to be kept by the public vaccinators or by registrars and also such forms as shall be required for the signature of medical practitioners under the provisions of this Act , and generally
 - (f) for the guidance of public vaccinators and others in all matters connected with the working of this Act
- All such rules or orders shall be published in the Calcutta Gazette ¹

2 THE FIRST SCHEDULE

(see section 3)

To

[Here insert the name of the parent or guardian]

Take notice that you are hereby required, under the provisions of the Bengal Vaccination Act, 1880, to take, or cause, [here insert the name of the child] the child of [here insert the name of the father] to be taken, to a public vaccine-station for vaccination or to cause it to be vaccinated by some medical practitioner or public vaccinator within fifteen days from the service of this notice, and that in default of so doing you will be liable to a fine of fifty rupees

The public vaccine station nearest your house is at _____,
the days and hours for vaccination at that station are as follows —

[Here insert the days and hours when the public vaccinator is in attendance]

On the said [here insert the name of the child] being brought before a public vaccinator at the said station within the said hours on any of the said days, or at any other public vaccine-station in the town on the days and within the hours prescribed for public vaccination at such station, the said [here insert the name of the child] will be vaccinated free of charge

If you wish the said [here insert the name of the child] to be vaccinated at your own house, the public vaccinator will attend there upon payment of a fee of _____

Dated the _____ of _____ 19____

Superintendent of Vaccination,
or Civil Surgeon, as the case may be

¹ In Assam the Assam Gazette—see the Bengal Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III

² This Schedule was annexed to this Act by the Bengal Vaccination (Amendment) Act, 1887 (Ben. Act II of 1887), s. 3, printed *post*.

SCHEDULE A

(see section 5).

I, the undersigned, hereby certify that in my opinion
 the child of _____, resident at _____,
 is not now in a fit and proper state to be vaccinated, and I do hereby recom-
 mend that the vaccination be postponed for the period of three months from
 this date.

Dated the _____ day of _____ 19 .

(Signature of Medical Practitioner or Public Vaccinator.)

SCHEDULE B

(see section 6).

I, the undersigned, hereby certify that I have three times unsuccessfully
 vaccinated _____, the child of _____, residing at _____
 (or that the child has already had small-pox, as the case may be), and I am of
 opinion that the said child is insusceptible of successful vaccination.

Dated this _____ day of _____ 19 .

(Signature of Medical Practitioner or Public Vaccinator.)

(Endorsement by Superintendent of Vaccination.)

SCHEDULE C

(see section 7).

I, the undersigned, hereby certify that _____, the child of _____
 , age _____, resident at _____, has been successfully vaccinated
 by me.

Dated this _____ day of _____ 19 .

(Signature of Medical Practitioner or Public Vaccinator.)

SCHEDULE D

(see section 11)

Take notice that you are hereby required under the provisions of the Bengal Vaccination Act 1880 to submit yourself to a public vaccinator or medical practitioner within fifteen days from the service of this notice for vaccination and that in default of so doing you will be liable to a fine which may amount to fifty rupees

The public vaccine station nearest your house is at

The days and hours for vaccination at that station are as follows —

[Here insert the days and hours when the public vaccinator is in attendance]

On your attending before a public vaccinator at the said station within the said hours on any of the said days or at any other public vaccine station in the town on the days and within the hours prescribed for public vaccination at such station you will be vaccinated free of charge

If you wish to be vaccinated at your own house the public vaccinator will attend there upon payment of a fee of

Dated the of 19

Superintendent of Vaccination,
or Civil Surgeon as the case may be

SCHEDULE E

(see section 18)

To

[Here insert the name of the parent guardian or other person who gives information of the child's birth]

Take notice that the child of [here enter the mother's name] whose birth has this day been registered must be vaccinated under the provisions of the Bengal Vaccination Act 1880 within one year from the date of its birth, under penalty

The public vaccine station nearest to the house in which the child was born is at No The days and hours for vaccination at that station are as follows —

[Here insert the days and the hours when the public vaccinator is in attendance]

On your taking or causing the child to be taken to the public vaccinator at the said station within the said hours on any of the said days or at any other public vaccine-station in the city on the days and within the hours prescribed for public vaccination at such station it will be vaccinated free of charge

If you wish to have the child vaccinated at your own house, the public vaccinator will attend there upon payment of a fee of

You should be careful to have one of the annexed forms of certificate filled in by the public vaccinator, or, if you employ a private medical practitioner to vaccinate the child, by such medical practitioner, and to keep the same in your possession. Any such certificate will be granted to you by a public vaccinator free of charge.

Dated of 19 .

Registrar of Births.

SCHEDULE F

(see section 22).

Register of postponed Vaccinations for the district of

| Consecutive number. | Name of child. | BIRTH. | | Date of certificate of postponement. | Signature of Registrar. |
|---------------------|------------------|--------|------------------------------|--------------------------------------|-------------------------|
| | | Year. | Number of entry in register. | | |
| 1 | Ram Chunder Dass | 1878 | 12 | 1878 May . . . 10 | H. O. |

BENGAL ACT 3 OF 1881.

[THE BENGAL COURT OF WARDS (AMENDMENT) ACT, 1881].¹

[25th May, 1881.]

An Act to amend the Court of Wards Act, 1879.²

WHEREAS it is expedient to amend the Court of Wards Act, 1879², It Preamble.
is enacted as follows —

X 1. This Act shall be read and taken as part of the Court of Wards Act, Construction.
1879²

[Commencement] *Rep. by the Repealing and Amending Act, 1897 (5 of 1897).*

2. [Repeal] *Rep. by the Repealing and Amending Act, 1897 (5 of 1897)*

3. For section 16 * * *³ of Bengal Act 9 of 1879 the following Amendment
sections shall be substituted — of sections 16
[and 17] of
Ben Act 9
of 1879

16 [Printed ante p 506]

4. For section 23 of the same Act the following sections shall be substituted, Amendment
namely — of section 23.

23, 23A [Printed ante pp 507, 508]

5. The following sections shall be substituted for sections 48 and 49 of the Amendment
same Act. — of sections 48
and 49

48, 49 [Printed ante pp 514, 515]

6. In section 50 of the same Act, for the word "person" the word "male" Amendment
shall be substituted, and for the word and figures "section 49" the word and of section 50.
figures "section 48" shall be substituted

7. In section 55 of the same Act, after the words "shall be brought on Amendment
behalf of any ward," the words "by a manager" shall be inserted of section 55

8. To section 58 of the same Act the following words shall be added, Amendment
namely — of section 58.

[Printed ante p 517]

9. The following section shall be inserted between section 58 and section New sect on
59 of the same Act — introduced
between sections 58 and
59

58A [Printed ante p 517]

¹ SHORT TITLE.—This short title was given by the Repealing and Amending Act, 1903 (I of 1903), Sch I—see Vol I

LEGISLATIVE PAPERS.—For Stat.

and 11th April, 1901—see *ibid*

² Printed ante

³ So much of Bengal Act III of 1881 as related to s 17 of the Court of Wards Act, 1879 (Ben Act IX of 1879), was repealed by the Government Management of Private Estates Act, 1892 (X of 1892), s 9, printed in Genl Acts, Vol IV.

New section
substituted
for repealed
section 63.

10. Instead of the repealed section 63 of the same Act, the following section shall be read, namely :—

63. [Printed *ante*. p 519.]

New section
introduced
after section
65.

11. After section 65 of the same Act the following section shall be inserted, namely :—

65A. [Printed *ante*. p. 520.]

(THE BENGAL MUNICIPAL ACT, 1881).

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- 122. Distress how to be made.
- 123. Officer may break open door.
- 124. Sale how to be conducted.
Return of sales.
- 125. Certain persons prohibited from purchasing at sales.
Penalty.
- 126. Commissioners to keep account of distresses and sales.
- 127. Sale of property beyond limits of municipality.
- 128. Distress or sale not unlawful for want of form.
- 129. Commissioners may bring suit instead of distraining or on failure
of distress.
- 130. Irrecoverable taxes.

Of the Tax on Carriages, Horses and other Animals.

- 131. Tax on carriages, horses and other animals.
- 132. Tax so fixed to continue in force until altered.
- 133. Licenses how to be obtained.
- 134. Proportionate tax on carriages, etc., acquired during half-year.
- 135. On payment of tax, Commissioners to give a license.
- 136. Carriage, etc., liable to tax although the owner be absent.
- 137. Penalty.
- 138. Commissioners may compound with livery stable-keepers.
- 139. List of persons licensed to be prepared.

SECTION.

- 140. Power to inspect stable, etc., and to summon persons liable to the payment of the tax.
- 141. Refund of tax in certain cases.
- 141A. Prohibition of double fee.
- 141B. Meaning of "used in the ordinary course of business."

Of the Registration of Carts.

- 142. Registration and numbering of carts.
- 143. Fee for registration.
- 144. Proportionate payment of fee.
- 145. Transfer of ownership.
- 146. Penalty.
- 147. Seizure and sale of unregistered cart.
- 147A. Prohibition of double fee.
 - Apportionment of fees.
 - Levy of fee when cart registered in more than one municipality.
- 147B. Meaning of "used in the ordinary course of business."

Of Tolls on Ferries.

- 148. Existing public ferries.
- 149. Other ferries may be declared to be municipal.
- 150. Duties of Commissioners in regard to such ferries.
- 151. Rate of tolls to be established and published.
- 152. When persons crossing river not liable to toll.
- 153. Cancellation of ferry lease, etc.
- 154. Toll must be prepaid.
 - Penalty.
- 155. Keeping of unauthorized ferry.
- 156. Penalty.

Of Tolls on Bridges and Roads.

- 157. Existing toll-bars.
- 158. Commissioners may establish toll-bar
- 159. Commissioners to publish expenses, etc. of toll-bars.
- 160. Rates of tolls to be established and published.
- 161. Power of Collector or lessee in case of refusal to pay toll.
- 162. Penalty for refusing to pay or avoiding payment of toll.
- 163. In case of non-payment of toll, vehicle, etc., may be seized and sold.

Of General Provisions relating to Tolls on Ferries and Roads.

- 164. Lease of ferry or toll-bar.
- 165. Table of tolls to be hung up.

SECTION

- 166 Penalty
- 167 Composition in respect of tolls
- 168 Exemptions
- 169 Police officers to assist
- 170 Penalty for taking unauthorized tolls
- 171 Commissioners may be appointed to collect tolls in a navigable channel
- 172 Local Government may order Commissioners to cease levying tolls.

 PART V

 MUNICIPAL REGULATIONS WHICH SHALL BE GENERALLY IN FORCE IN ALL
 MUNICIPALITIES

General

- 173 Operation of this Part
- 174 Local Government may order provisions of this Part to be not in force in any municipality
- 175 Procedure when owners or occupiers required to execute works by Commissioners
- 176 Person required to execute any work may prefer objection to the Commissioners
- 177 Procedure if person objecting alleges that work will cost more than three hundred rupees
- 178 Chairman etc., may make order after hearing objection
- 179 Order to be explained orally
- 180 Power of Commissioners on failure of person to execute work
- 181 Commissioners may apportion expenses among owners
- 182 Apportionment among owners and occupiers
- 183 Occupier may recover cost of works executed at his expense from owner
- 184 Liability to pay expenses or fees may be contested in Civil Court.
- 185 Damages and compensation how to be determined

Of Sewage, Offensive Matter, Rubbish, Privies and Drains

- 186 Establishments for removal of sewage, offensive matter and rubbish.
- 187 Hours and mode of removal of offensive matter
- 188 Meters must give one month's notice if they leave the service of the Commissioners
- 189 Commissioners may appoint hours for placing rubbish on public road

SECTION.

- 190. Drains, privies and cess-pools under control of Commissioners.
- 191. Inspection of drains, privies and cess-pools.
- 192. Commissioners may direct the use of disinfectants or deodorants for such drains, privies, etc., as are in a noxious state.
- 193. Common privies.
- 194. Licensing of public necessities.
- 195. Power to require owners to clear noxious vegetation and to improve bad drainage.
- 196. All rubbish collected to be the property of Municipal Commissioners.
- 197. Sewers, drains, etc., under control of the Commissioners.

Of Bathing and Washing Places and Tanks.

- 198. All public streams, etc., to be under direction and control of the Commissioners.
- 199. Commissioners may make provision for drinking-water, bathing-places, etc.
- 199A. Prohibition by Commissioners of use of unwholesome water.
- 200. Power to require unwholesome tanks or private premises to be cleansed or drained.
- Commissioners may retain possession of tank or pool until expenses for re-excavation, etc., are realized.

Of Obstructions and Encroachments on Roads.

- 201. Power to close a road or part of a road for repairs or other public purpose.
- 202. Removal of future obstructions or encroachments in or on road.
- 203. Procedure when person who erected obstruction cannot be found.
- 204. Projections from houses erected in future to be removed.
- 205. Effect of order made under section 202, 203, 204 or 233.
- 206. Houses projecting beyond line of road or drain, when taken down to be set back.
- 207. Fallen house, etc., obstructing road or drain to be removed by owner.
- 208. Commissioners may require land-holders to trim hedges, etc.

Of General Conservancy and Improvement.

- 209. Wells, tanks, etc., to be secured.
- 210. Fencing of buildings in a dangerous state.
- 210A. Commissioners may require owners to pull down ruins.
- 211. Power to enter upon possession of houses so repaired.
- 212. Sale of materials of houses, etc., pulled down.
- 213. Stray dogs to be killed at certain appointed periods.

SECTION.

- 214 Commissioners may offer rewards for destruction of noxious animals.
- 215. Names of roads and numbers of houses.

Penalties.

- 216. Offences under sections 189 and 215.
- 217. Occupier not removing filth, etc.
Keeping unlicensed public necessary.
Not keeping private drain, etc., in proper order.
Disobeying order under section 199 or 199A.
Erecting obstruction.
- 218 Disobeying requisition under section 202, 204, 206, 207 or 208.
- 219 Disobeying requisition under section 195, 200, 209, 210 or 210A.

PART VI.

OF SPECIAL REGULATIONS.

- 220. Operation of Parts VI, VII, VIII, IX and X.
Saving clause.
- 221. Local Government may order the provisions of the said Parts to be in force.
- 222. Publication of order.
- 223. Local Government may cancel or modify order.

Of a Survey

- 223A. Survey of a municipality

Of Privies, Drains and Excavations.

- 224. Commissioners may require owner or occupier to repair drain, etc.
- 225. Privies must be properly enclosed
- 226. Unauthorized drains leading into public sewers may be demolished.
- 227. Commissioners may require owner to drain land.
- 228. Group or block of houses, etc., may be drained by a combined operation.
- 229. Commissioners may alter any drain, etc., made contrary to their orders.
- 230. No latrine, etc., to be constructed within fifty feet of tank or water course.
- 231. Construction of privy.
- 232. Power to prohibit excavations.

SECTION.

- 190. Drains, privies and cess-pools under control of Commissioners.
- 191. Inspection of drains, privies and cess-pools.
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- 193. Common privies.
- 194. Licensing of public necessities.
- 195. Power to require owners to clear noxious vegetation and to improve bad drainage.
- 196. All rubbish collected to be the property of Municipal Commissioners.
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- 203. Procedure when person who erected obstruction cannot be found.
- 204. Projections from houses erected in future to be removed.
- 205. Effect of order made under section 202, 203, 204 or 233.
- 206. Houses projecting beyond line of road or drain, when taken down to be set back.
- 207. Fallen house, etc., obstructing road or drain to be removed by owner.
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- 211. Power to enter upon possession of houses so repaired.
- 212. Sale of materials of houses, etc., pulled down.
- 213. Stray dogs to be killed at certain appointed periods.

SECTION

- 214 Commissioners may offer rewards for destruction of noxious animals,
- 215 Names of roads and numbers of houses

Penalties

- 216 Offences under sections 189 and 215
- 217 Occupier not removing filth etc
Keeping unlicensed public necessary
Not keeping private drain etc , in proper order
Disobeying order under section 199 or 199A
Erecting obstruction
- 218 Disobeying requisition under section 202 204 206, 207 or 208
- 219 Disobeying requisition under section 195 200 209, 210 or 210A

PART VI

OF SPECIAL REGULATIONS

- 220 Operation of Parts VI, VII, VIII, IX and X
Saving clause
- 221 Local Government may order the provisions of the said Parts to
be in force
- 222 Publication of order
- 223 Local Government may cancel or modify order

Of a Survey

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Of Privies, Drains and Excavations

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- 225 Privies must be properly enclosed
- 226 Unauthorized drains leading into public sewers may be demolished
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- 228 Group or block of houses, etc , may be drained by a combined operation
- 229 Commissioners may alter any drain, etc , made contrary to their orders
- 230 No latrine, etc , to be constructed within fifty feet of tank or water course
- 231 Construction of privy
- 232 Power to prohibit excavations

Of Obstructions and Encroachments on Roads.

SECTION.

- 233. Removal of existing projection from houses.
- 234. Leave to deposit materials on, or to excavate or close, a road.
- 235. Hoards to be set up during repairs.

Of Building Regulations.

- 236. Roofs and external walls not to be made of inflammable materials.
- 237. Notice of erecting a house not being a hut.
- 238. Commissioners may order a house not being a hut erected without notice, etc., to be altered or demolished.
- 239. Sanction available for one year only.
- 240. Definition of expression "erect or re-erect any house, not being a hut."
- 241. Power of the Commissioners to make rules as to mode of construction of houses not being huts.
- 242. Commissioners may prohibit letting of unstable or ill-drained house.
- 242A. Appeals from orders of Commissioners.
- 243. Erection of new huts to be under the control of the Commissioners.
- 244. Power to direct removal of huts built without notice.

Of Sanitary Measures with regard to Blocks of Huts.

- 245. Power of Commissioners as to inspection of huts.
- 246. On receipt of report, Commissioners may cause notice to be served.
- 247. Expenses may be recovered by instalments or remitted in case of poverty.
- 248. Sale of huts.

Of the Regulation of the Sale of Food, Drink and Drugs.

- 249. Markets, slaughter-houses, etc., to be properly drained.
- 250. Sale of unwholesome food or drink.
- 251. Prohibition of the sale of articles of food not of the proper nature, substance or quality.
- 251A. No proceedings to be had without leave of the Commissioners.
- 251B. Power of Commissioners to enter and inspect markets, shops, etc., and to seize unwholesome articles exposed for sale.
- 251C. Power to destroy unwholesome articles.
- 251D. Person refusing to sell any article to Commissioners liable to penalty.
- 252. Registry of shops for sale of European drugs.
Certificated dispensers.
- 253. Inspection of drugs.
Compensation if drug be not adulterated.

Of Burial and Burning Grounds

SECTION

- 254 Registration of existing burial and burning grounds
- 255 No new or disused burial or burning place henceforth to be used without leave of Government or of Commissioners
- 256 Commissioners may order certain burial or burning grounds to be closed
- 256A Private burial places may be excepted
- 256B Appeals from orders under sections 256 and 256A
- 257 Prohibition to bury or burn in unregistered ground
- 258 Commissioners may cause corpses to be burnt or buried according to the religious tenets of the deceased
- 259 Commissioners may provide places to be used as burial or burning grounds
- 260 Commissioners may provide for burial of paupers free of charge
- 260A Power to license fuel shops at burning grounds

Of Certain Offensive and Dangerous Trades or Occupations

- 261 Certain offensive and dangerous trades not to be established within limits to be fixed by the Commissioners without license
- 262 Commissioners may in certain cases, order the use of slaughter-houses and the carrying on of dangerous and offensive trades to be discontinued
- 262A Commissioners may prohibit private kilns
- 263 Milkman, etc, not to keep animals or cattle without license
- 264 Commissioners may provide public stables
- 265 Conditions for keeping pig sty

Penalties

- 266 Failing to shut out privy from view
- 267 Erecting huts without notice.
- 268 Disobeying requisition under section 249
- 269 Cutting up road for passago of water, etc
- 270 Throwing rubbish into sewers
 - Allowing water of any sewer, etc, to run on any road
 - Constructing latrine, etc, in contravention of sections 230 and 231
 - Making excavations
 - Making a roof or wall of grass, etc
- 271 Disobeying requisition under section 221, 225, 227, 230, 231 or 238,
- 272 Altering, etc, drains leading to public sewers
 - Making drains contrary to the orders of the Commissioners
- 273 Offence under section 235 238 241 or 242
 - Offence under section 261, 262A or 263

SECTION.

- Offence under section 261 or 263.
- Offence under section 264.
- Offence under section 265.
- 274. Burying or burning corpse in unregistered grounds.
- 275. Offence under section 252.
- 276. Uncertificated persons dispensing drugs.
- 277. Disobeying notice under section 262.
- 278. Suspension or revocation of license, etc.

PART VII.

OF A WATER-SUPPLY.

- 279. Imposition of water-rate.
- 280. Valuation, assessment and collection of water-rate.
- 281. Occupier paying water-rate may deduct one-fourth from rent due to owner.
- 282. When house is unoccupied, owner to pay one-fourth of water-rate.
- 283. Refund of water-rate when house ceases to be occupied.
- 284. Rate payable on house being re-occupied.
- 285. Person sub-letting to several different tenants to be deemed occupier.
- 286. Owner to pay water-rate in certain other cases.
- 287. The Commissioners to provide water-supply.
- 288. What are domestic purposes.
- 289. Pressure at which water must be kept.
- 290. Communication-pipes.
- 291. Communication-pipes, etc., must be made to satisfaction of officers of the Commissioners.
- 292. Power to enter premises.
- 293. When pipes are out of repair, Commissioners may turn off water.
- 294. Supply for business.
- 295. Householder entitled to certain supply of water for domestic use.
- 296. Commissioners may provide filtered or unfiltered water for latrines.
- 297. Water may be cut off on neglect to pay the rate.
- 298. Occupier in whose house water is wasted liable to penalty.
- 299. Person causing waste of water liable to penalty.
- 300. Commissioners at their discretion may allow person outside the town to take water.
- Penalty.
- 301. Before connection an officer of the Commissioners to cause all works and pipes to be inspected.
- 302. Connection with service-pipes to be executed only by an officer of the Commissioners.

SECTION

- 303 Obstructing or diverting water
 - 304 Estimate and specification of works to be sent
 - 305 Owner to keep works in repair
 - 306 Tanks etc, vested in the Commissioners
 - 307 Application of rates and moneys received from the supply of water.
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PART VIII

OF LIGHTING WITH GAS

- 308 Municipal Commissioners may submit to the Local Government a plan for lighting
 - 309 Lighting-rate not exceeding three *per centum* may, after sanction of plan be imposed on holdings
Proviso as to portions already lighted
 - 310 Rate payable by occupiers quarterly in advance
 - 311 Valuation, assessment and collection of lighting rate
 - 312 Power to assess owners in certain cases
 - 313 Owner to recover from the occupier rates paid by owner
 - 314 Owner may recover rate so paid as rent
 - 315 Occupier liable to the rate for time of occupation only
Excess paid in advance to be refunded
No rate to be charged during vacancy
Notice of cessation of occupancy to be given within seven days
 - 316 Unknown owner or occupier how to be designated
 - 317 Situation of gas pipe or other gas work to be altered at the expense of the Commissioners
 - 318 If owner, etc, neglect to make alterations, the Commissioners may cause the same to be made
 - 318A Application of rates and moneys received for lighting
 - 319 Provisions applicable to other systems of lighting
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PART IX

OF THE CONSTRUCTION AND CLEANSING OF LATRINES

- 320 Notice to be issued by the Commissioners
- 321 Commissioners may levy fees
- 322 Recovery of fees
- 323 In certain cases fee may be levied from owner, who may recover from occupier
- 324 Owner may recover fees from occupier as rent

SECTION.

- 325. Commissioners may compound with occupier or owner of certain premises for fee.
- 326. Commissioners may levy a rate per head.
- 327. 328. [*Repealed.*]
- 329. Exemption from prosecution under section 217.
- 330. Powers of servants of Commissioners.
- 331. Commissioners may require nightmen to take out licenses.
- 332. Commissioners may require latrine to be constructed and in default may construct themselves.
- 333. Commissioners may require list of persons in a holding.
- 334. Penalty.
- 334A. Exemption of jails, etc.

 PART X.

REGULATION OF MARKETS.

- 335. Power to construct markets.
- 336. Definition of "Municipal market" and "market."
- 337. Commissioners may prohibit use of unlicensed markets.
- 338. Power to grant licenses for markets.
- 339. Duration of licenses and terms on which granted.
- 340. Chairman bound to certify fit places.
Existing markets.
- 341. Licenses to be registered.
- 342. Transfers to be registered.
- 343. Unregistered markets to be deemed unlicensed.
- 344. Penalty for using unlicensed market.
- 345. Power to close unlicensed places.

 PART XI.

OF THE REGISTRATION OF BIRTHS AND DEATHS.

- 346. Registration of births and deaths.
- 347. On requisition of Government, Commissioners to appoint sub-registrars at burning ghâts and burial grounds.
- 348. Information required by Bengal Act 4 of 1873 to be given to such sub-registrar.
- 349. Information of deaths in hospitals.

PART XIA

EXTINCTION AND PREVENTION OF FIRE

SECTION

349A Establishment and maintenance of fire brigade

349B Power of fire brigade and other persons for suppression of fires

PART XII

MISCELLANEOUS

350 Power to make by laws

350A Additional power to make by laws in hill municipalities

351 Confirmation of by laws

Local Government may cancel its confirmation of any by law

351A Power to make rules as to business and affairs

352 Commissioners may direct prosecution for public nuisance etc

353 No prosecution for an offence under this Act to be instituted without consent of Commissioners

354 Publication of by laws etc

355 Levy of fines

356 How notice, etc may be served

357 Service of notice on owner or occupier of land

358 Tax not invalid for want of form

359 Holder of license to produce it when required

Penalty

360 Recovery of moneys due to the Commissioners

361 Power to sell unclaimed holdings for money due

362 Compensation for damages

363 No action to be brought against the Commissioners or their officers until after one month's notice of cause of action

364 Chaukidari chākārān lands

365 Police officer to report offences and arrest persons refusing to give name and residence

366 Penalty on officers, etc, taking unauthorized fees

367 Saving clause

THE FIRST SCHEDULE —Municipalities in which the Commissioners shall be appointed by the Local Government

THE SECOND SCHEDULE —Municipalities in which the Chairman shall be appointed by the Local Government

THE THIRD SCHEDULE —Form A —Notice to be published of the preparation of the List of Assessment on Persons

Form B.—Notice to be published of the preparation of the Valuation and Rating List of Holdings.

THE FOURTH SCHEDULE.—*Form A.*—Notice of Demand under section 120.

Form B.—Table of fees payable upon distrains under this Act.

Form C.—Distress Warrant.

Form D.—Form of Inventory and Notice.

Form E.—Register of distrains of property and sales held on account of arrears for the month of in .

THE FIFTH SCHEDULE.—Tax on Carriages and Animals.

THE SIXTH SCHEDULE.—Enactments repealed.

BENGAL ACT 3 OF 1884¹.

(THE BENGAL MUNICIPAL ACT. 1884).

[7th May, 1884.]

An Act to amend and consolidate the law relating to municipalities.

WHEREAS it is expedient to consolidate and amend the law relating to municipalities within the territories subject to the government of the Lieutenant-Governor of Bengal; It is enacted as follows:—

PRELIMINARY.

1. This Act may be called the Bengal Municipal Act, 1884:

And it shall come into force on such date as the Lieutenant-Governor may direct, not being more than three months after the date on which it may be published in the Calcutta Gazette with the assent of the Governor General.

* * * * *

2. * * * the enactment specified in the sixth Schedule shall be repealed to the extent mentioned in the third column thereof.

¹ LEGISLATIVE PAPERS.—For Statement of Objects and Reasons, see Calcutta Gazette, 1883, Pt. IV, p. 39; for Preliminary Report of Select Committee, see *ibid*, p. 243; for further Report of Select Committee, see *ibid*, 1884, Pt. IV, p. 1; and for Proceedings in Council, see *ibid*, 1882, Suppl., p. 1488; 1883, Suppl., pp. 44, 511 and 2079; 1884, Suppl., pp. 53, 92, 172, 266, 322, 363, 396, 465, 498, 515 and 559.

LOCAL EXTENT.—Bengal Act III of 1884 (with the amending Acts, Ben. Acts III of 1886, IV of 1894 and II of 1896) has been extended by notification under the Scheduled Districts Act, 1874 (XIV of 1874), s. 5, to the Municipalities of Dhubri, Dibrugarh, Gauhati, Sylhet and Silchar and to the district of the Khasi and Jaintia Hills, the Sunamganj, Karimganj and Habiganj sub-divisions of the district of Sylhet, the Goalpara sub-division of the district of Goalpara and the Jorhat sub-division of the Sibsagar district. See Appendix I, B, *post*.

² The third clause of s. 1, as to notifications, etc., before the commencement of the Act was repealed by the Repealing and Amending Act, 1903 (I of 1903), and is omitted.

³ The words "On the commencement of this Act," in s. 2, were repealed by the same Act, and are omitted.

But this repeal shall not revive any office, authority or thing abolished by any such enactment, or affect the validity of anything done or suffered, or any right, title, obligation or liability accrued, before the commencement of this Act

And all rules and by-laws prescribed, assessments, valuations, measurements, divisions and appointments made, powers conferred and notifications published under any such enactment, and all other rules (if any) now in force and relating to the matters hereinafter dealt with, shall (so far as they are consistent with this Act) be deemed to have been respectively prescribed, made, conferred and published hereunder

¹ [In every enactment passed before this Act comes into force in which reference is made to Bengal Act 3 of 1864 ² (the District Municipal Improvement Act), or to any enactment hereby repealed, such reference shall, so far as may be practicable, be taken to be made to this Act or to its corresponding part or section]

* * * * *

⁴ [The expression "notifications" as used in this section shall be deemed to include, and to have always included, all directions, declarations and orders given or made, and published under any enactment referred to in this section]

"Notifica-
tions" defined

Provided that nothing in this definition shall be deemed to affect any decision or order of a competent Court made before the date on which this Act shall come into force]

In respect of all the matters aforesaid the Commissioners under this Act shall be substituted for the Commissioners elected or appointed under the Bengal Municipal Act, 1876 ⁵

3. Every place which has been constituted a municipality under the provisions of the Bengal Municipal Act, 1876, ⁵ and has not been withdrawn from the operation of the said Act before this Act comes into force, shall, from the time when this Act shall come into force, be deemed to be constituted a municipality under the provisions of this Act

Existing municipalities

4. All property, moveable and immovable, and all interest of any kind whatsoever, derived under any of the enactments specified in the sixth Schedule, or otherwise, and vested in, or held in trust for, the late Commissioners

All property of late Commissioners vested in Commissioners under this Act.

¹ This clause in s. 2 was substituted for the original clause by the Bengal Municipal (Amendment) Act 1894 (Ben. Act IV of 1894) s. 2 (2), *post*. The original clause ran thus—

² And all references to any such enactment shall (so far as may be practicable) be deemed to be made to this Act.

³ The District Municipal Improvement Act, 1864. It was repealed by Bengal Act V of 1876, and the latter Act has again been repealed by s. 2 of the present Act, wherever this Act is in force.

⁴ The fifth clause of s. 2, as to pending proceedings, was repealed by the repealing and Amending Act, 1903 (I of 1903) and is omitted.

⁵ These clauses in square brackets were added by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894) s. 2 (7), *post*.

⁶ The Bengal Municipal Act 1876 (Ben. Act V of 1876), has been repealed by s. 2 of the present Act, wherever this Act is in force.

under the said Bengal Municipal Act, 1876,¹ shall become vested in the Commissioners, and their successors; and all rights of whatsoever description used, enjoyed or possessed by the late Commissioners under any such enactment shall become vested in the Commissioners for the purposes of this Act. Ben. Act V 1876.

5. Notwithstanding anything contained in section 3, this Act shall not take effect in any cantonment without the consent of the Governor General in Council previously obtained, nor shall the Local Government² extend this Act, or any part thereof, to any cantonment without such consent.

6. In this Act, unless there be something repugnant in the subject or context—

(1) "carriage" means any wheeled vehicle with springs used for the conveyance of human beings and ordinarily drawn by animals:

(2) "cart" means any cart, hackney or wheeled vehicle with or without springs ordinarily drawn by animals, and not included in the definition of "carriage":

(3) "holding" means land held under one title or agreement and surrounded by one set of boundaries:

Provided that where two or more adjoining holdings form part and parcel of the site or premises of a dwelling house, manufactory, warehouse, place of trade or business such holdings shall be deemed to be one holding for the purposes of this Act other than those mentioned in clause (a) of section 85:

Explanation.—Holdings separated by a road or other means of communication shall be deemed adjoining within the meaning of this proviso:

(4) "house" includes any hut, shop, warehouse or building:

(5) "immoveable property" and "land" include (besides land) benefits arising out of land, houses, things attached to the earth, or permanently fastened to anything attached to the earth:

(6) "moveable property" means property other than immoveable property:

(7) "Magistrate of the district"³ means the Chief Magistrate in a district:

(8) "the Magistrate" includes the Magistrate of the district,³ the Magistrate in charge of a division of the district in which division a municipality is constituted and every Magistrate subordinate to the Magistrate of the district³ to whom the Magistrate of the district³ may have made over any duties under this Act:

(9) "municipality" means any place in which this Act, or any part thereof, is in force:

¹ The Bengal Municipal Act, 1876 (Ben. Act V of 1876), has been repealed by s. 2 of the present Act, wherever this Act is in force.

² In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III, *ante*.

³ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

Act not to be extended to cantonments without consent of Governor General.
Definitions.

"Carriage."

"Cart."

"Holding."

"House."

"Immoveable property."

"Moveable property."

"Magistrate of district."

"The Magistrate"

"Municipality."

(10) "offensive matter" means dirt, dung putrid or putrefying substances, and filth of any kind not included in the term "sewage" "Offensive matter"

(11) "owner" includes— "Owner"

(a) every person who is entitled for the time being to receive any rent in respect of the land with regard to which the word is used, whether from the occupier or otherwise,

(b) a manager on behalf of any such person;

(c) an agent for any such person,

(d) a trustee for any such person.

Provided that no such manager, agent or trustee shall be liable to do anything required by this Act to be done by the owner nor shall he be subject to any fine for omitting to do such thing unless he have sufficient funds in his hands as such manager, agent or trustee to do such thing

(12) "Part" means a Part of this Act "Part"

(13) "road" means any road, street, square, court, alley or passage, whether a thoroughfare or not, over which the public have a right of way "Road"

(14) "rubbish" means broken brick, mortar, broken glass, kitchen or stable refuse, or refuse of any kind whatsoever not included in the term "offensive matter" "Rubbish"

¹ [14A] "Sanitary Board" means the persons for the time being appointed, either by name or by official designation, by the Local Government, by notification in the Calcutta Gazette, ² to constitute a Sanitary Board for Bengal ³ "Sanitary Board"

(15) "Schedule" means a Schedule annexed to this Act "Schedule"

(16) "section" means a section of this Act "Section"

(17) "sewage" means night soil and other contents of privies, drains and cess pools "Sewage"

(18) "the Commissioners" means the persons for the time being appointed or elected to conduct the affairs of any municipality under this Act "The Commissioners"

(19) "year" means a year beginning on the first day of April, or on such other date as may hereafter be fixed for any municipality by the Local Government ² by notification in the Calcutta Gazette ² "Year"

PART I

OF THE CREATION OF MUNICIPALITIES

7. In every place which, in accordance with the provisions of section 3, becomes a municipality under this Act, every person who has been appointed Existing Commissioners and existing rates and taxes temporarily continued

¹ Clause (14A) was inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894) s. 3, *post*

² In Assam, the Chief Commissioner and the Assam Gazette, respectively—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912) s. 3 Sch. D, Pt. III.

³ Now read Assam—see Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, Sch. D, Pt. III, *ante*, see also the notification in Assam Gazette, 1912, Pt. I, at p. 3

or elected to be a Commissioner for such place under the Bengal Municipal Act, 1876,¹ and who is holding office as such Commissioner at the commencement of this Act, shall be deemed to be a Commissioner duly appointed for such Municipality, until such time as the election or appointment of Commissioners in respect of such municipality shall take effect under the provisions of this Act. Ben. Act V 1876.

And in every such place in which a rate on the annual value of holdings, or a tax upon persons, or a tax upon carriages and animals, or a fee upon the registration of carts, or tolls on roads or on ferries, or a fee under Bengal Act 6 of 1878² may have been levied by the Municipal Commissioners before the commencement of this Act, it shall be deemed that the said rate, tax, fee or tolls have been duly imposed under this Act, and such rate, tax, fee or tolls shall continue to be levied accordingly until the Commissioners at a meeting, with the sanction of the Local Government,³ shall otherwise direct.

Local Govern-
ment may
extend Act.

8. Except as is hereinafter otherwise expressly provided, this Act may be extended by the Local Government³ by notification published in the Calcutta Gazette,⁴ and in the manner prescribed by section 354, to any town or village not being within the limits of the ordinary original jurisdiction of the High Court at Fort William in Bengal, from such date as may be specified in such notification; and, save as is hereinafter otherwise provided, this Act shall take effect in such town or village on the date so specified, and the said town or village, within the limits mentioned in such notification shall be deemed to be created a municipality for the purposes of this Act:

Provided that, at least six weeks before publishing any notification as aforesaid, the Local Government³ shall cause to be published in the town or village concerned a notice of its intention to declare the said town or village to be a municipality, unless good reason to the contrary be shown within one month.

Any objections which may be made to the proposed measures shall be duly considered by the Local Government³ before it causes to be issued the notification declaring the town or village to be a municipality under this Act.

Every notification declaring a town or village to be a municipality shall specify whether the name of such municipality shall, or shall not, be inserted in the first or second Schedule of this Act, and shall further specify, subject to the provisions of section 13, the number of the Commissioners of such municipality.

¹ Bengal Act V of 1876 has been repealed by s. 2 of the present Act, wherever this Act is in force.

² Bengal Act VI of 1878 (Latrines) has been repealed by s. 2 of this Act. It was never extended to Assam.

³ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III.

⁴ In Assam, the Assam Gazette—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III, ante.

19. The Local Government² may, on the recommendation of the Commissioners at a meeting, by notification published in the Calcutta Gazette,³ and in such other manner as it may determine, declare its intention—

Notification
of intention
to alter
limits of
municipality

- (a) to withdraw any municipality from the operation of this Act, or
- (b) to exclude from a municipality any local area comprised therein and defined in the notification, or
- (c) to include within a municipality any local area contiguous to the same and defined in the notification, or
- (d) to sub divide any municipality into two or more municipalities, or
- (e) to alter the number of the Commissioners of a municipality

And the Local Government² may, on the recommendation of the Commissioners at a meeting of both or all the municipalities concerned, by notification similarly published, declare its intention to unite two or more municipalities so as to form one municipality

Provided that no local area shall be included within a municipality unless the Local Government² shall have been satisfied that three fourths of the adult male population of such local area are chiefly employed in pursuits other than agriculture

Provided also that whenever it shall appear, either from a general census or from special inquiries undertaken in this behalf, that any municipality does not comply with the conditions laid down in section 10, the Local Government² may, of its own motion, declare its intention to withdraw such municipality from the provisions of this Act or to deal with it in the manner stated in this section

Provided also that where the local area to be excluded or included is a cantonment or part of a cantonment no notification affecting it shall be published under this section without the previous consent of the Governor General in Council

19A. (1) Any rate payer of a municipality, inhabitant of a local area, or, when the union of two or more municipalities has been recommended, the Commissioners of any one or more of such municipalities in respect of which a notification has been published under the last preceding section may, should he or they object to the alteration proposed, submit his or their objection

Objection to
proposed
alteration
may be
submitted
to Local
Government

¹ The ss 9, 9A and 9B here printed were substituted for the original s 9 by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s 4, post. The original s 9 ran as follows —

“9 The Local Government may, on the recommendation of the Commissioners at a meeting, by notification published in the Calcutta Gazette, and in such other manner as it may determine, declare its intention—

to vary the limits of any municipality,
to merge municipalities, or withdraw any
of this Act, or alter the number of

² & ³ In Assam the Chief Commissioner and the Assam Gazette, respectively—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (XII of 1912), s 3 and Sch D Pt III ante.

in writing through the District Magistrate¹ to the Local Government,² within six weeks from the publication of the notification in the Calcutta Gazette,³ and the Local Government² shall take such objection into consideration.

(2) When six weeks from the publication of the notification have expired, and the Local Government² has considered the objections (if any) which have been submitted under sub-section (1) of this section, the Local Government² may, by notification, give effect to the proposed alteration or not, as the case may be.

⁴ **9B.** Whenever two or more municipalities are united, or a municipality is sub-divided, under the two last preceding sections, the municipal Funds or Fund, and all property vested in the Commissioners of the municipalities or municipality concerned, shall be consolidated, or apportioned in such manner as the Local Government² may direct.

10. This Act shall not be extended to any town or village unless the Local Government² shall have been satisfied that three-fourths of the adult male population of such town or village are chiefly employed in pursuits other than agricultural, and that such town or village contains a number of inhabitants, not being less than three thousand, and an average number of not less than one thousand inhabitants to the square mile of the area of such town or village.

11 & 12. [*Local Government may unite places to a municipality.—Land between municipality and place united to form part of municipality.*] Rep. by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act 4 of 1894, s. 5).

PART II.

OF THE MUNICIPAL AUTHORITIES.

Of the Constitution of the Municipality.

13. The number of Commissioners of a municipality constituted before the passing of this Act shall be such number as may be specified in a notification of the Local Government,² to be issued immediately after this Act comes into force, and to be published in the Calcutta Gazette³ or in any subsequent notification under section 9.

¹ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

² In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III, *ante*.

³ In Assam, the Assam Gazette—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III.

⁴ S. 9B is new—see first footnote to s. 9, *ante*.

Local Government may apportion and dispose of municipal property upon a subdivision or union of municipalities. Conditions on which municipality may be created.

Number of Commissioners

The number of Commissioners of each municipality created under the provisions of section 8 of this Act shall be such number as is specified in the notification of the creation of such municipality or in any subsequent notification under section 9

Provided that the number of Commissioners of a municipality shall in no case be more than thirty or less than nine

Provided further, that no act of the Commissioners, or of their officers, shall be deemed to be invalid by reason only that the number of the Commissioners did not, at the time of the performance of such act, amount to the number specified in the notifications aforesaid

14. Two-thirds of the number of the Commissioners of each municipality, fixed by such notification, shall be elected as hereinafter provided by male persons, resident within the limits of such municipality, who shall have attained the age of twenty-one years

Constitution of body of Commissioners

The remaining one-third of such Commissioners shall be appointed ¹ [either by name or by official designation,] by the Local Government ² immediately after the result of the election hereinbefore mentioned shall have been notified to the Local Government, ² and such appointment shall be deemed to have been made on the date on which such election takes place :

Provided that the number of persons holding salaried offices under the Government, and appointed as Municipal Commissioners, shall not bear a larger proportion than one-fourth to the total number of Commissioners elected and appointed under the provisions of this Part

Provided also that, in cases where the whole number of Commissioners is not evenly divisible by three or by four, the one-third or one-fourth shall be ascertained by taking the number next below the whole number, which is evenly divisible by three or by four, as the number to be divided

15. For the purposes of the aforesaid election of Commissioners, the Local Government, ² with respect to each municipality, shall lay down such rules, not inconsistent with the provisions of this Act, as it shall think fit in respect of the division, where necessary, of each municipality into wards, and the number of Commissioners to be elected for each of such wards, the qualifications required to entitle any person to vote for a candidate for election, and in respect of the mode of election, ³ [and the authority who shall decide disputes thereunder] And the Local Government ² may at any time cancel any rule made by it under this section .

Rules to be laid down for election.

ment)
Act,
were inserted by the Bengal Municipal (Amendment)

Provided that every male person who is at the time of such election, and has been for a period of not less than twelve months immediately preceding such election, resident within the limits of a municipality, and who—

- ¹ [(i) has, during the year immediately preceding such election, paid in respect of any rates an aggregate amount of not less than three rupees, or
- ¹ (ii) has, during the year aforesaid, paid or been assessed to the tax imposed by Act 2 of 1886 ² (*an Act for imposing a tax on income derived from sources other than agriculture*), or
- ¹ (iii) being a graduate or licentiate of any University, or having passed the First Arts Examination of the Calcutta University, or the corresponding standard of any other University, or holding a license, granted by any Government Vernacular Medical School, to practise medicine, or holding a certificate authorising him to practise as a pleader or as a mukhtár or as a revenue agent—occupies a holding, or part of a holding, in respect of which there has been paid, during the year aforesaid in respect of any rates, an aggregate amount of not less than three rupees,]

shall be entitled to vote at the election of Commissioners of such municipality.

No person who is not entitled to vote at the election of Commissioners of a municipality shall be deemed qualified for election to be a Commissioner of such municipality :

³ [Provided that nothing contained in this section nor in any rules made under the authority of this Act shall be deemed to affect the jurisdiction of the Civil Courts.]

³ [The term “ rates ” in this section ⁴ [means]—

- (a) the tax upon persons and the rate upon the annual value of holdings levied under section 85 ;
- (b) the tax on carriages and horses levied under Part IV ;
- (c) the water-rate on the annual value of holdings levied under Part VII ;
- (d) the lighting rate on the annual value of holdings levied under Part VIII ;
- (e) the fee for the cleansing of privies and cess-pools levied under Part IX.]

¹ The clauses (i), (ii) and (iii) here printed were substituted for the former clauses by the Bengal Municipal (Amendment) Act, 1896 (Ben. Act II of 1896), s. 3 (1), *post*.

² The Indian Income-tax Act, 1886. Genl. Acts, Vol. III.

³ These clauses in square brackets were added by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 7 (2), *post*.

⁴ The word “ means ” was substituted for the words “ shall be deemed to include ” by the Bengal Municipal (Amendment) Act, 1896 (Ben. Act II of 1896), s. 3(2), *post*.

¹ [Explanation—Rules made under this section may reduce, but not raise, any of the sums mentioned in the first proviso thereto, and may declare that any persons who are not referred to in that proviso shall be entitled to vote]

16. The first election of Commissioners under this Act may take place at such time, not being more than six months after this Act comes into force, as the Local Government² shall direct First election of Commissioners

If the persons entitled to elect Commissioners for any municipality fail within the time appointed for the first election under this Act, or for every subsequent election within the time prescribed by the rules mentioned in the last preceding section, to elect the whole number of Commissioners allotted for election to such municipality, the Local Government² may appoint one or more Commissioners to complete the number so allotted as aforesaid On failure of election, Commissioners to be appointed by Government

17. Every municipality mentioned in the first Schedule of this Act shall be excluded from the operation of the three last preceding sections, and in any municipality so excluded the whole number of the Commissioners shall be appointed by the Local Government² [either by name or by official designation]³, subject, however, to the proviso contained in the third clause of section 14 Certain municipalities excluded from elective system

It shall be lawful for the Local Government² at any time to remove the name of any municipality from the said Schedule

18. [Resignation of Commissioners] *Rep by the Bengal Municipal (Amendment) Act, 1894 (Ben Act 4 of 1894), s. 9*

19. The Local Government² may, if it thinks fit, on the recommendation of the Commissioners at a meeting, remove any Commissioner appointed or elected under this Act, if such Commissioner shall have been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct Removal of Commissioner by Local Government

⁴ [20. (1) The Commissioner of the Division may remove any Commissioner— Removal of Commissioner by Commissioner of the Division

- (a) if he refuses to act or becomes incapable of acting, or is declared insolvent, or is convicted of any non-bailable offence, or
- (b) if he has been declared by notification to be disqualified for employment in the public service, or

¹ This Explanation was added by s. 3 (3) of the Bengal Municipal (Amendment) Act 1894, (Ben Act II of 1894) post

² In Assam the Chief Commissioner—see II Bengal, Bihar and Orissa and Assam Laws Act, 1912, s. 10 (1) and 2 (1) and 3 (1)

ed by the Bengal Municipal (Amendment)

20 by the Bengal Municipal (Amendment)

20 Any Commissioner who without having obtained permission from the Commissioners at a meeting, shall have omitted to attend six consecutive meetings of the Commissioners, and any Commissioner who shall have been convicted of a non-bailable offence, or shall have been declared insolvent by a competent Court, shall cease to be a Commissioner"

(c) if he absents himself from six consecutive meetings of the Commissioners without having obtained permission from the Commissioners at a meeting; or

(d) if, in the judgment of the Commissioner of the Division, to be recorded in writing, he has become disqualified to continue in office under section 57 :

Provided that any Commissioner so removed may appeal to the Local Government.¹

(2) All acts and proceedings of any Commissioner so removed shall, if done previously to such removal, be valid and effectual to all intents and purposes.]

Tenure of
office of Com-
missioner.

Certain Com-
missioners
not to be
elected or re-
elected with-
out consent
of Local Gov-
ernment.

Appoint-
ment of
Chairman.

21. Every Commissioner shall vacate his office at the end of three years from the date of his appointment or election as such Commissioner.

² **22.** No Commissioner who has been removed from his office by the Local Government¹ under section 19, or by the Commissioner of the Division,¹ under clauses (a) and (b) of sub-section (1) of section 20, may be elected or re-elected a Commissioner without the consent of the Local Government.¹

³ **23.** (1) The Local Government¹ shall appoint, either by name or by official designation, the Chairman of every municipality mentioned in the second Schedule of this Act.

(2) The Commissioners of every municipality, the name of which is not included in the said Schedule, shall at a meeting, elect one of their number to be Chairman, or may, whenever a vacancy occurs, at a meeting attended by not less than two-thirds of the Commissioners, request the Local Govern-

¹ In Assam, the Chief Commissioner,—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III.

² This section was substituted for the original s. 22 by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 11, *post*. The original section ran thus:—

“ 22. Any person who has resigned the office of Commissioner under section 18, or who has ceased to be a Commissioner in consequence of his failure to attend meetings, or in consequence of his insolvency, as provided in section 20, may be at any time re-appointed or re-elected a Commissioner; but no person removed by the Local Government from his office under section 19, or who has ceased to be a Commissioner in consequence of being convicted of a non-bailable offence, may be elected or re-elected a Commissioner without the sanction of the Local Government.”

³ This section was substituted for the original s. 23 by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 12, *post*. The original section ran thus:—

“ 23. The Local Government shall appoint the Chairman of every municipality mentioned in the second Schedule of this Act.

Every municipality, the name of which is not included in the said Schedule, shall, at a meeting, elect one of its Commissioners to be Chairman; or may, at a meeting attended by not less than two-thirds of the Commissioners, request the Local Government to appoint a Chairman.

The Local Government may at any time remove a Chairman appointed by it.

The Local Government may at any time remove the name of any municipality from the said Schedule ”

ment¹ to appoint a Chairman, and such Chairman shall be appointed by name.

(3) The Local Government¹ may at any time remove a Chairman appointed by it.

(4) The Local Government¹ may at any time remove the name of any municipality from the said Schedule.

(5) Whenever the name of any municipality is removed from the said Schedule, the office of Chairman shall thereupon become vacant.

24. Notwithstanding anything in section 13 contained, every Chairman appointed under the last preceding section, if not already a Commissioner of the municipality of which he shall have been appointed Chairman, shall, from the date of his appointment, during the term of his office, enjoy all the rights and privileges of a Commissioner of the municipality to which such appointment relates, but shall not be reckoned in calculating the proportions of one-third and one-fourth under the provisions of section 14.

Status and
tenure of
office of
Chairman.

² [Except as is otherwise provided in this Act] every Chairman, whether appointed or elected, shall hold office for three years from the date of his appointment or election, and shall be eligible for re-appointment or re-election.

A Chairman elected under the last preceding section may at any time be removed from his office by a resolution of the Commissioners in favour of which not less than two-thirds of the whole number of the Commissioners have given their votes at a meeting specially convened for the purpose.

25. The Commissioners at a meeting shall elect one of their own number to be Vice-Chairman. He shall hold office for three years from the date of his election, and shall be eligible for re-election on the expiration of his term of office.

Election of
Vice-Chair-
man.

The Vice-Chairman may at any time be removed from his office by a resolution of the Commissioners in favour of which not less than two-thirds of the whole number of the Commissioners shall have given their votes at a meeting specially convened for the purpose.

³ 25A. If a Chairman or a Commissioner is appointed by official designation, the person for the time being holding the office shall be a Chairman or a Commissioner, as the case may be.

Ex-officio
appoint-
ments.

26. The term of three years mentioned in sections 21, 24 and 25 shall be held to include any period which may elapse between the expiration of the said three years and the date of the ⁴ [first meeting of the body of Commis-

Tenure of
office under
sections 21,
24 and 25.

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III.

² The words in square brackets in s. 24 were inserted by the Bengal Municipal (Amendment) Act, 1891 (Ben. Act IV of 1891), s. 13, *post*.

³ S. 25A was inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 14, *post*.

⁴ The words and figures in square brackets in s. 26 were inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 15, *post*.

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sioners newly appointed and elected at which a quorum shall be present, and any Chairman elected under section 23 or 27 shall be competent to discharge the duties of his office after his election and pending the orders of the Local Government ¹ approving of his election].

Resignation
of Chairman
and Vice-
Chairman.

² **26A.** Notwithstanding anything contained in sections 24, 25 and 27A, the Chairman and Vice-Chairman of every municipality shall resign office at the first meeting of the Commissioners newly appointed and elected at which a quorum shall be present.

The meeting shall thereupon proceed—

(a) to elect, or to request the Local Government ¹ to appoint, a Chairman, and

(b) to elect a Vice-Chairman :

Provided that if the municipality is in the second Schedule of this Act, or if the meeting decides to request the Local Government ¹ to appoint a Chairman, the resignation of the Chairman shall not take effect until a new Chairman is appointed.

Leave may
be granted
to Chairman
or Vice-
Chairman.

³ **26B.** The Commissioners at a meeting may grant leave of absence to their Chairman or Vice-Chairman for any period not exceeding three months in any one year.

Appointment
or election of
Commis-
sioner,
Chairman
or Vice-
Chairman
for unex-
pired term
of office or
during term
of leave of
absence.

27. If any Commissioner, Chairman or Vice-Chairman shall be unable to complete his full term of office,⁴ [or shall avail himself of leave granted under section 26B,] the vacancy caused by his resignation or removal, or death ⁴[or absence on leave] shall be filled by the appointment or election, as the case may be, of another person ; and the person so appointed or elected shall fill such vacancy for the unexpired remainder of the term for which such Commissioner, Chairman or Vice-Chairman would otherwise have continued in office⁴ [or during his absence on leave, as the case may be].

Resignation
of Chairman,
Vice-Chair-
man or Com-
missioner.

⁵ **27A.** (1) A Chairman of a municipality may resign by notifying in writing his intention to do so to the Local Government, ¹ and on such resignation being accepted, shall be deemed to have vacated his office.

(2) A Vice-Chairman or a Commissioner of a municipality may resign by notifying in writing his intention to do so to the Chairman, who shall forthwith lay such notice before the Commissioners at a meeting, and on such resignation being accepted by such Commissioners, shall be deemed to have vacated his office.

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III.

² S26A was inserted by s. 16 of the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), *post*.

³ S. 26B was inserted by s. 17 of the same Act, *post*.

⁴ These words and figures in square brackets, in s. 27, were inserted by s. 18 of the same Act, *post*.

⁵ S. 27A was inserted by s. 19 of the same Act, *post*.

28. The Chairman and Vice-Chairman of any municipality may, if the Commissioners think fit, receive such allowances out of the municipal fund as shall from time to time be fixed at a meeting by the Commissioners

Allowance*
of Chairman
and Vice
Chairman

¹ [And in the case of a salaried Chairman or Vice Chairman, the Commissioners may grant such leave allowances as they may from time to time determine at a meeting]

Provided that the allowance so granted, together with the acting allowance, if any, of the officiating incumbent shall not exceed the salary fixed for the office]

29. The Commissioners shall, in the name of their Chairman, by the description of "the Chairman of the Municipal Commissioners of" be a body corporate, and have perpetual succession, and a common seal, and in such name shall sue and be sued

Incorpora
tion of
Commis
sioners.

Such common seal shall have the name of the municipality engraved thereon in legible characters in the English language and also in the vernacular of the district

² 29A. (1) The powers and functions of the Local Government³ under sections 30, 255, 259 and 331 may be delegated by the Local Government to Commissioners of Divisions

Delegation
of certain
powers and
functions
of Local
Government

(2) In regard to powers or functions delegated to them under this section Commissioners of Divisions shall have the same authority as the Local Government,³ and the delegation shall continue until revoked by the Local Government³

(3) A delegation under this section may be of all or any of the powers and functions aforesaid, and may be made generally in regard to all the municipalities within the division of the Commissioner or it may be made particularly in regard to certain municipalities only

(4) The delegation may be by name or by official designation and shall, in each case, be notified in the Calcutta Gazette⁴

Of the Property of the Commissioners.

30. All roads, [including the soil, and all] bridges, tanks, ghâts, wells, channels and drains in any municipality (not being private property and not being maintained by Government or at the public expense), now existing, or which shall hereafter be made, and the pavements, stones and other

Public
roads, etc.
vested in the
Commis
sioners.

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(Amend

materials thereof, and all erections, materials, implements and other things provided therefor, shall vest in, and belong to, the Commissioners.

But the Local Government¹ may, from time to time, by notification, exclude any road, bridge or drain from the operation of this Act² [or of any specified section of this Act], and may cancel such notification wholly or in part :

Provided that, if the cost of the construction of the work shall have been paid from the municipal fund, such work shall not be excluded from the operation of this Act² [or of any specified section of this Act] without the consent of the Commissioners at a meeting.

Commissioners may, with consent of owners, take over and repair roads, etc.

31. The Commissioners at a meeting may agree with the person in whom the property in any road, bridge, tank, ghât, well, channel or drain is vested to take over the property therein or the control thereof, and after such agreement may declare, by notice in writing put up thereon or near thereto, that such road, bridge, tank, ghât, well, channel or drain has been transferred to the Commissioners.

Thereupon the property therein, or the control thereof (as the case may be), shall vest in the Commissioners, and such road, bridge, tank, ghât, well, channel or drain shall thenceforth be repaired and maintained out of the municipal fund.

Existing hospitals, schools, rest-houses, etc., may be vested in the Commissioners.

32. Every hospital, dispensary, school, rest-house, ghât and market, not being private property or the property of a religious institution or society and all medicines, furniture and other articles appurtenant thereto, not being such property, which at and after the commencement of this Act shall be found within any municipality, may, by order of the Local Government¹ duly published on the spot, be vested in the Commissioners of such municipality; and thereupon all endowments or funds belonging thereto shall be transferred to, and vested in, such Commissioners as trustees for the purposes to which such endowments and funds were lawfully applicable at the time of such transfer :

Provided that no such order shall be published until one month after notice of the intention to transfer such property shall have been published in the Calcutta Gazette,³ and within the municipality in the vernacular language of the district.

Transfer to be conditional in certain cases.

33. If the Commissioners at a meeting shall, after publication of the notice mentioned in the last preceding section, object to the transfer to themselves of any hospital, dispensary, school, rest-house, ghât or market on the ground that their funds cannot bear their charge, then such transfer

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III.

² The words in square brackets in s. 30, were inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 22, *post*.

³ In Assam, the Assam Gazette—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, Sch. D, Pt. III.

shall not be made save under such conditions as the Commissioners at a meeting may agree to accept

34. The Commissioners at a meeting may purchase or take on lease any land for the purposes of this Act, and may sell, let, exchange or otherwise dispose of any land not required for such purposes

Power to purchase, lease and sell lands

35. The Local Government,¹ on the application of the Commissioners at a meeting that any land be acquired for the purposes of this Act may, on being satisfied that the Commissioners are in a position to pay for such land either at once or in such instalments as the Local Government¹ may think proper, notify, under the provisions of the Land Acquisition Act, 1870,² or any similar Act for the time being in force for the acquisition of land for public purposes, that such land is required for a public purpose, and may cause such land to be acquired under the provisions of such Act, and on payment by the Commissioners of the compensation awarded under such Act, the land shall vest in them for the purposes of this Act

Land may be taken up under Land Acquisition Act, 1870

36. The Commissioners shall be bound to pay to the Government the cost of any land which may be acquired for them on their application under the provisions of the last preceding section

Commissioners to pay cost of such land

37. The Commissioners may enter into and perform any contract necessary for the purposes of this Act

Execution of contracts.

Every contract made on behalf of the Commissioners of a municipality in respect of any sum exceeding five hundred rupees, or which shall involve a value exceeding five hundred rupees, shall be sanctioned by the Commissioners at a meeting, and shall be in writing, and signed by at least two of the Commissioners, one of whom shall be the Chairman or Vice Chairman, and shall be sealed with the common seal of the Commissioners

Unless so executed, such contract shall not be binding on the Commissioners

³ 37A. The Commissioners of any municipality may join with the Commissioners of any other one or more municipalities, or with any district board or with any cantonment authority,⁴ or with more than one such board or cantonment authority in constituting out of their respective bodies a joint-committee, consisting of not more than two members from each of such bodies, for any purpose in which they are jointly interested, and in delegating to any such joint-committee any power which might be exercised by either or any of the municipal bodies, or district boards, or cantonment authorities concerned, and such joint-committee may from time to time frame rules as

Formation of joint committees.

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws

the Land Acquisition Act, 1891 (I) as a reference to the latter Act—see

Act IV of 1894), s. 23 post

⁴ As to cantonment authorities, see the Cantonments Act, 1910 (XV of 1910) s. 5, Genl Acts, Vol VII

municipal (Amendment) Act, 1894 (Ben.

to the proceedings of any such joint-committee, and as to the conduct of correspondence relating to the purpose for which such joint-committee is constituted.

Voluntary
introduction
of a water-
supply or
system of
drainage.

1 37B. Whenever it appears expedient to the Commissioners of any municipality, or to the Commissioners of a municipality acting conjointly with the Commissioners of any other municipality or municipalities, or with one or more of any of the local authorities specified in the last preceding section, to provide a supply of water for domestic purposes, or to introduce a system of drainage, they may cause to be prepared a scheme and estimates of the cost of the works necessary for the purpose, together with such plans and specifications of the same as may be necessary, and may submit the same to the Local Government ² through the Commissioner of the Division within which the area, or the larger portion of the area, which it is proposed to supply with water or to drain is situated.

Sanitary
Board with
a committee
to consider
and report on
scheme.

1 37C. The Local Government ² may refer such scheme, plans, specifications and estimates to the Sanitary Board, who,

in consultation with a committee consisting of one member to be appointed by the municipality or by each of the municipalities or other local authorities concerned, and one member to be appointed by the Commissioner of the Division within which the area, or the larger portion of the area, which it is proposed to supply with water or to drain is situated,

shall consider the same and report thereon to the Local Government.²

Local Gov-
ernment may
sanction,
modify or
refer scheme.

1 37D. The Local Government ² shall consider the report, together with the plans, specifications and estimates, and may thereupon—

(a) sanction the scheme, or

(b) add to, alter or modify the scheme and sanction the same so added to, altered or modified, or

(c) add to, alter or modify the scheme and refer the same so added to, altered or modified, together with the plans, specifications and estimates, to the Sanitary Board, who, in consultation with the said Committee, shall further consider the scheme so added to, altered or modified, and report thereon to the Local Government ².

Distribution
of costs of
scheme.

1 37E. (1) When the scheme recommended for sanction extends to two or more municipalities or other local areas, the Sanitary Board, acting in consultation with the Committee, as constituted under section 37C shall include in their report proposals for distributing the cost of the scheme, including its maintenance and working expenses, between or among the local authorities benefited.

¹ Ss. 37B to 37E are new—see first footnote to s. 37A, *ante*.

² In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Law Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III. †

(2) In the case of municipalities, such distribution shall be in proportion to the income derived by each from taxation, allowance being made for any difference in the degree of benefit conferred on each such as, in the case of a water-supply scheme, the pressure at which the water is delivered, the facilities for procuring water, the distance from the head-works, and the like

137F. (1) When the scheme has been approved by the Local Government,² there shall be published, in the Calcutta Gazette³ and locally in accordance with the provisions of section 354, the following particulars —

- (a) a general description of the scheme,
 - (b) an estimate of the cost of carrying it out,
 - (c) an estimate of the cost of maintaining it,
 - (d) the source from which the cost will be met,
 - (e) the amount of the loan, if any, the annual instalments by which it will be repayable, and the number of years required to repay it, and, where several local authorities are concerned,
 - (f) the distribution of the loan,
- and

(2) Where the scheme is for providing or improving the water-supply, the following additional particulars in respect of each municipality concerned —

- (a) the total annual charge to be incurred by reason of the water supply and to be met by a water-rate,
- (b) the percentage of such water-rate on the annual value of holdings,
- (c) the average incidence of such water rate per head of the population

137G. After the expiry of two months from the date of such publication, and after considering any objections or suggestions that may be submitted, the Local Government² may sanction or reject the scheme as published, or may refer it, with such suggestions as it may think fit, to the Sanitary Board, who, in consultation with the same committee as aforesaid, shall consider the scheme with a view to its amendment, and when the scheme shall have been so considered, it shall be forwarded to the Local Government,² and the provisions of this and the last preceding section shall be applied

137H. When a scheme has been sanctioned by the Local Government² under the last preceding section, the Commissioners of the municipality or municipalities, or the local authorities concerned shall, if the rate and other monies to be collected, received or recovered for or in respect of the water

¹ These sections are new—see first footnote to s. 37A, ante

² In Assam the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III

³ In Assam, the Assam Gazette—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III

supply or drainage system be sufficient for the purpose; proceed to carry it out, and where two or more municipalities or local authorities are concerned, a joint-committee may be formed for that purpose according to rules to be framed in this behalf by the Local Government.¹

² **37I.** The Local Government¹ may order the works specified in any scheme, plans, specifications and estimates, or any portion thereof, to be executed by an officer to be appointed by it, and shall fix the remuneration of such officer (provided that the cost of the scheme as sanctioned be not exceeded) : and may specify a period within which the work shall be completed, and may extend such period from time to time as may be necessary.

² **37J.** The cost of making plans, specifications and estimates, and the travelling expenses incurred by the members of the committee in attending the meetings of the Sanitary Board for the consideration of the scheme, and the cost of carrying out the scheme if the same be proceeded with, may be advanced from the public funds on the security of the fund or funds of the municipality or municipalities or other local authority or authorities concerned, and shall be recoverable under ³ [the Local Authorities Loan Act, XI of 1879,] and all the provisions of that Act, and the rules made under it referring to the recovery of loans, shall be applicable to such advances.

² **37K.** (1) When it appears to the Local Government¹ that the Commissioners of any municipality, or the Commissioners of a municipality, acting conjointly with the Commissioners of any other municipality or municipalities or with one or more of any other local authorities specified in section 37A, should be required to provide a supply of water for domestic purposes, or to introduce a system of drainage, it may call upon such Commissioners to show cause within a specified time why they should not be so required, and the Local Government¹ shall consider any objections which may be submitted by the Commissioners, and, if it considers such objections insufficient, it may, after publishing in the Calcutta Gazette⁴ a full statement of the reasons which have led to action being taken, by an order in writing, fix a time within which the Commissioners shall submit such a scheme, plans, specifications and estimates as are referred to in section 37B, in the manner therein provided :

Provided that, when the Commissioners of one municipality are required to show cause, as aforesaid, a resolution against the introduction of such scheme passed at a meeting specially convened for the purpose, in favour of which a

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III.

² These sections are new—see first footnote to s. 37A, *ante*.

³ The words and figures “the Local Authorities Loan Act, 1879” were substituted for the words and figures “the Loans Act of 1879” by the Amending Act, 1897 (V of 1897), Sch. II, *ante*. The Local Authorities Loan Act, 1879, has been repealed and re-enacted by the Local Authorities Loans Act, 1914 (IX of 1914).

⁴ In Assam, the Assam Gazette—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III.

Local Gov-
ernment
may appoint
an officer to
execute
the works.

Cost of the
scheme may
be advanced
from the
public funds.

Compulsory
introduction
of water-
supply or
system of
drainage.

majority of not less than two thirds of the whole number of Commissioners shall have voted, or when the Commissioners of two or more municipalities are required to act conjointly with each other for that purpose, a similar resolution passed by the joint committee constituted under section 37A, in favour of which a majority of not less than two-thirds of the total number of votes allotted to such municipalities and apportioned to each of them, according to their respective incomes shall have been recorded shall be final, and in either case no further action shall be taken by the Local Government ¹ under the provisions of this section

(2) When the said order has been complied with, the provisions of sections 37C to 37J inclusive shall apply

(3) If default is made in complying with the said order, the provisions of section 64 shall apply

Provided that, in the case of a municipality mentioned in the first Schedule and not required to act conjointly with any other municipality or local authority, if within two months from the date of the publication of the particulars of any such scheme in the Calcutta Gazette ² under section 37F a petition is presented to the Local Government ¹ by a majority of not less than two thirds of the registered rate payers of a municipality objecting to the compulsory introduction of such scheme into such municipality, the Commissioners thereof shall not be compelled to carry out such scheme

³ 37L. The provisions of Part VII shall, notwithstanding anything in Application section 86, 220, 221, 222, 223, 279 or 287, apply to every municipality in of Part VII which a water supply is provided under section 37K

³ 37M. The powers conferred on the Commissioners by sections 37A to Chairman not to exercise powers of Commissioners 37L inclusive shall not be exercised by the Chairman under section 44

Of the mode of transacting the Business of the Municipality

38. The Commissioners shall meet for the transaction of business (if Commis there be any business to be transacted) at their office, or at some other sioners to meet ordi-
convenient place, at least once in every month, and as often as a meeting narily once a
shall be called by the Chairman, or, in his absence, by the Vice Chairman month

If there shall be no business to be laid before the Commissioners at any monthly meeting, the Chairman shall, instead of calling the meeting, give notice of the fact to each Commissioner three days before the date which is appointed for the monthly meeting

¹ In Assam the Chief Commissioner—see the Bengal Bihar and Orissa and Assam Laws Act 1912 (VII of 1912) s. 3 and Sch. D Pt III

² In Assam the Assam Gazette—see the Bengal Bihar and Orissa and Assam Laws Act 1912 (VII of 1912) s. 3, and Sch. D, Pt III

³ These sections are new—see first footnote to s. 37A, ante

Pensions, etc.,
to Govern-
ment officials.

48. In the case of a Government official employed by the Commissioners the Commissioners may—

- (1) if his services are wholly lent to them, contribute to his pension, gratuities and leave allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and
- (2) if he devotes only a part of his time to the performance of duties in behalf of the Commissioners, contribute as above in such proportion as may be determined by the Local Government.¹

Security from
officers or
servants.

49. The Commissioners may take such security as they may think proper from any officer or servant in their employ.

Of Ward Committees.

Appointment
or election of
Ward Com-
mittees.

50. The Commissioners at a meeting may divide any municipality into wards, and thereupon appoint, or cause to be elected for each ward, not less than three proper persons, whether such persons be or be not Commissioners for the time being, to be members of the Ward Committee; and the Commissioners at a meeting may define the limits of the ward for which any Ward Committee may be appointed or elected.

Commis-
sioners may
lay down
rules for
election.

51. The Commissioners at a meeting may lay down rules, not being inconsistent with the provisions of this Act, in respect of the qualifications required to entitle any person who is not a Commissioner to stand as a candidate for such election, and to entitle any person to vote for any candidate, and in respect of the mode of election.

And the Commissioners may at any time cancel any rule made by them under this section for such election.

Election of
Chairman and
Vice-Chair-
man of Ward
Committee.

52. Each Ward Committee may, for each year if it sees fit, elect its own Chairman and Vice-Chairman (if necessary) from among its own number:

Provided that, if one or more Commissioners are members of the Ward Committee, the Chairman of the Ward Committee shall be a Commissioner.

Commis-
sioners may
delegate
powers to
Ward Com-
mittee.

53. The Commissioners at a meeting may delegate to a Ward Committee such of the powers of Commissioners under this Act as to them may seem fit; and such Ward Committee within the limits of its Ward, as defined by the Commissioners at a meeting, may exercise all or any of such powers, and shall be liable to all the obligations imposed by this Act on Commissioners in respect of such powers.

All acts done, orders issued and assessments made, by Ward Committees, shall be subject to the control and revision of the Commissioners at a meeting, who may at any time withdraw all or any of such powers.

Certain
sections
applicable to
transaction

54. The provisions of sections 38 to 45 (both inclusive) shall, as far as possible, be applicable to the transaction of business by Ward Committees,

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III.

and the Commissioners shall sanction the establishment of Ward Committees of business by
in accordance with the provisions of section 46 Ward Com
mittees.

55. All questions regarding the removal resignation and appointment of Removal
members of Ward Committees shall be settled by the Commissioners at a resignation
meeting and appoint
ment of
members

Liability of Commissioners and Ward Committees

56. No Commissioner or member of a Ward Committee shall be personally Personal
liable for any contract made, or expense incurred by or on behalf of the liability of
Commissioners of
Commissioners Commissioner or
member of
Ward Com
mittee

Every Commissioner or member of a Ward Committee shall be personally
liable for any wilful misapplication of money entrusted to the Commissioners
to which he shall knowingly have been a party and he shall be liable to be
sued for the same

57. No Commissioner or member of a Ward Committee shall have Disqualifica
tion of Com
missioners
directly, or indirectly, * * 1 any share or interest in any contract 2[of
any kind whatsoever to which the Commissioners are a party, or shall hold
any office of profit under them]and if any Commissioner shall have such share
or interest 2[or shall hold such office] he shall thereby become disqualified
to continue in office as Commissioner and shall be liable to a fine not exceeding
five hundred rupees

3[Provided that] a Commissioner shall not be so disqualified by reason
only of his having a share or interest in—

- (a) a contract entered into between the Commissioners and any incor
porated or registered company of which such Commissioner is
a member or shareholder , or
- (b) any lease, sale or purchase of land, or any agreement for the same , or
- (c) any agreement for the loan of money, or any security for the pay
ment of money only , or
- (d) any newspaper in which any advertisement relating to the affairs
of the municipality is inserted

But no such Commissioner shall act as Commissioner or member of a Ward
Committee or take part in any proceedings relating to any matter in which
he is so interested

4 58. No Commissioner or member of a Ward Committee shall vote on Commis
sioners dis
qualified from
voting on cer
tain ques
tions
any matter affecting his own conduct or pecuniary interest or on any question

1 The words by himself or through others in s 57 were repealed by the Bengal Munici
palities Act 1919 and are omitted
2 and are omitted
3 substituted for the words made with the
in the same section were inserted

The original section 58 ran thus —

No Commissioner or member of a Ward Committee shall vote on any question which
regards exclusively the assessment of himself or the valuation of his property or of
the property for which he is manager or agent or his liability to any tax.

which regards exclusively the assessment of himself, or the valuation of any property in respect of which he is directly or indirectly in any way interested or of any property of or for which he is manager or agent or his liability to any tax.

Control.

59. All resolutions passed by the Commissioners under the following sections, that is to say:—

- (a) under section 23 ¹ [or 27], for the election of a Chairman ;
- (b) under section 24, for the removal of a Chairman from office ;
- (c) under section 28, for the grant of allowances to a Chairman or Vice-Chairman ;
- (d) under section 47, for the making, repeal or alteration of rules for the grant of pensions or gratuities, or for the creation and management of provident or annuity funds,

shall be subject to the approval of the Local Government².

60. A copy of the minutes of the proceedings of all meetings of the Commissioners referred to in section 43 shall be forthwith forwarded by the Commissioners to the Magistrate of the district.³

61. The appointment by the Commissioners of subordinate officers, as provided by section 46, shall be subject to the following rules:—

- (a) no appointment, of which the salary is two hundred rupees *per mensem* or upwards, shall be created or abolished, without the sanction of the Local Government² ;
- (b) no person shall be appointed to, or dismissed from, an office, the salary of which is one hundred rupees *per mensem* or upwards without the sanction of the Commissioner of the division.

62. The Magistrate of the district,³ or the Magistrate in charge of the Division of the district in which a municipality is situate, may enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by the Commissioners, or any work in progress under their direction ; and may call for and inspect any document which may be for the purposes of this Act, in the possession or under the control of the Commissioners.

63. The Commissioner of the division or the Magistrate of the district ³ may, by order in writing, suspend within the limits of the division or district (as the case may be) the execution of any resolution or order of the Commissioners of any municipality, or prohibit the doing within those limits of any act which is about to be done, or is being done, in pursuance of, or under

Certain resolutions subject to approval of Government.

Copy of minutes to be sent to Magistrate.

Sanction to appointment of subordinate officers.

Magistrate's power of inspection.

Power to suspend action under Act.

¹ The word and figures "or 27," in s. 59, were inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 28, *post*.

² In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III.

³ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

cover of, this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a serious breach of the peace, or to cause serious injury or annoyance to the public, or to any class or body of persons

When a Commissioner or Magistrate¹ makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, to the Local Government,² which may thereupon rescind the order or direct that it continue in force with or without modification, permanently or for such period as it thinks fit

64. If at any time it appears to the Local Government² on the report of the Magistrate of the district¹ or of the Commissioner of the division, that the Commissioners of any municipality have made default in performing any duty imposed on them by or under this or any other Act, the Local Government² may, by an order in writing, fix a time for the performance of that duty

Powers of
Local Gov-
ernment in
case of
default

If that duty is not performed within the period so fixed, the Local Government² may appoint the Magistrate¹ of the district¹ to perform it, and may direct that the expense of performing it shall be paid, within such time as it may fix, to the Magistrate from the municipal fund

If the expense is not so paid, the Magistrate, with the previous sanction of the Local Government,² may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is from time to time possible from the balance, in priority to any or all other charges against the same

65. If, in the opinion of the Local Government,² the Commissioners of any municipality are not competent to perform, or persistently make default in the performance of the duties imposed on them by or under this Act or otherwise by law, or exceed or abuse their powers, the Local Government² may by an order published with the reasons for making it, in the Calcutta Gazette,³ declare such Commissioners to be incompetent, or in default, or to have exceeded or abused their powers, as the case may be, and supersede them for a period to be specified in the order

Powers to
supersede
Commission-
ers in case of
incompeten-
cy, default or
abuse of
powers

66. When an order of supersession shall have been passed under the last preceding section, the following consequences shall ensue —

Consequences
of superses-
sion

(a) all the Commissioners shall, as from the date of the order, vacate their offices as such Commissioners,

¹ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12

² In Assam the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3 and Sch. D, Pt. III *ante*

³ In Assam the Assam Gazette—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Part III, *ante*

- ¹ (b) all the powers and duties of the Commissioners shall, during the period of supersession, be exercised and performed by such person or persons as the Local Government² may direct ;
- (c) all property vested in such Commissioners shall, during the period of supersession, vest in the Government.

On the expiration of the period of supersession specified in the order, it shall be lawful for the Local Government ² to direct that the municipality shall be entered in the first Schedule or the second Schedule, or in both the first and second Schedules ; but otherwise the Commissioners shall be re-established by appointment and election, and the persons who vacated their offices under clause (a) shall not be deemed disqualified for appointment or election.

Disputes.

³ **66A.** (1) If any dispute, for the decision of which this Act does not otherwise provide, arises between the Commissioners of two or more municipalities constituted under this Act, or between the Commissioners of any such municipality and a District Board, or Cantonment authority, the matter shall be referred—

- (a) to the District Magistrate, ⁴ if the local authorities concerned are in the same district ; or
- (b) to the Commissioner or Commissioners of the Division or Divisions, if the local authorities concerned are in different districts ; or
- (c) to the Local Government, ² if the local authorities concerned are in different Divisions and the Commissioners of those Divisions cannot agree.

(2) The decision of the authority to which any dispute is referred under this section shall be final.

(3) If, in the case mentioned in clause (a), the District Magistrate ⁴ is a member of one of the local authorities concerned, his functions under this section shall be discharged by the Commissioner of the Division.

PART III.

OF THE MUNICIPAL FUND.

What shall constitute the municipal fund.

67. All sums received by the Commissioners, and all fines paid or levied in any municipality under this Act, and all other sums which, under the

¹ The Bengal Municipal (Amendment and Validation) Act, 1910 (Ben. Act II of 1910), was passed to explain this clause with retrospective effect. It has not been extended to any place in Assam ; after its commencement (23rd March 1910) Bengal Act III of 1884 has been extended to certain places in Assam—see Appendix I, B, *post*.

² In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III.

³ S. 66A was inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 29 *post*.

⁴ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, supplement, 1901, p. 12.

sanction of Government, may be transferred to the Commissioners, shall constitute a fund which shall be called the "municipal fund," and shall, together with all property of every nature or kind whatsoever which may become vested in the Commissioners, be under their control, and shall be held by them in trust for the purposes of this Act

68. ¹ [Except as is otherwise provided in this Act], the Commissioners shall set apart and apply annually out of the municipal fund—

Payment on account of interest on loans and establishment

- (a) firstly, such sum as may be required for the payment of the interest which may fall due on any loan contracted by the Commissioners,
- (b) secondly, such sum as they are by this Act required to provide for payment of their own establishment, including such contributions as are referred to in section 48,
- (c) thirdly, such sum as the Local Government ² may direct towards the cost of audit, * ³ towards the cost of establishments in any office of account or in any treasury ¹ [and towards the salary of any special officer who may be appointed under section 82]:

Provided that the total amount which any municipality may be required to pay under clause (c) ¹ [otherwise than as the salary of a special officer appointed under section 82] shall not in any year exceed two *per centum* on the amount of the Municipal income for such year

69. (1) After the said sums have been set apart under section 68, the Commissioners at a meeting shall as far as the municipal fund permits, from time to time cause roads, bridges, tanks, ghâts, wells, channels, drains and privies, being the property of the Commissioners, to be maintained and repaired and the municipality to be cleansed,

Purposes to which municipal fund is applicable.

and may, except as is otherwise provided in this Act, and subject to such rules and restrictions as the Local Government ² may from time to time prescribe, apply the municipal fund to any of the following purposes within the municipality, that is to say—

- (i) the construction, maintenance and improvement of roads, tramways, bridges, squares, gardens, tanks, ghâts, wells, channels, drains and privies,
- (ii) the supply of water, and the lighting and watering of roads;
- (iii) the erection and maintenance of offices and other buildings required for municipal purposes,

¹ The words in square brackets in s. 68, were inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 30, *post*

² In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III, *ante*

³ The word "and," in s. 68(c), was repealed by the Bengal Municipal Act, 1894 (Ben. Act IV of 1894), s. 30(c), and is omitted

⁴ The ss. 69, 69A and 69B, here printed were substituted for the former s. 69 by the Bengal Municipal (Amendment) Act, 1896 (Ben. Act II of 1896), s. 7, *post*

- (iv) the construction and repair of school-houses, either wholly or by means of grants-in-aid ;
- (v) the establishment and maintenance of schools, either wholly or by means of grants-in-aid ;
- (vi) the establishment and maintenance of hospitals and dispensaries ;
- (vii) the promotion of vaccination ;
- (viii) the acquiring and keeping of open spaces for the promotion of physical exercise and education ;
- (ix) the training and employment of female medical practitioners and of veterinary practitioners ;
- (x) the establishment and maintenance of veterinary dispensaries for the reception and treatment of horses, cattle and other animals ;
- (xi) the appointment and payment of qualified persons to prevent and treat diseases of horses, cattle and other animals ;
- (xii) the improvement of the breed of horses, cattle and asses, and the breeding of mules ;
- (xiii) the establishment and maintenance of free libraries ;
- (xiv) the maintenance of a fire-brigade ;
- (xv) other works of public utility calculated to promote the health, comfort or convenience of the inhabitants ;
- (xvi) the establishment and maintenance of benches for the trial of offences under this Act or any bye-laws made thereunder, and
- (xvii) generally, to carrying out the purposes of this Act :

Provided that no portion of the municipal fund shall be applied to any of the purposes specified in clauses (viii) to (xiii) (both inclusive) unless a majority of the Commissioners present at the meeting are satisfied that the other purposes specified or referred to in this sub-section, or such of them as the majority considers it necessary to carry out, have been sufficiently provided for.

(2) The municipal fund shall also be applicable to the payment, at such rates as the Local Government¹ may from time to time direct, of travelling expenses incurred by any of the Commissioners in attending meetings convened under the rules made by the Local Government¹ in pursuance of sub-section (4) of section 1 of the Indian Councils Act, 1892, ² for the purpose of recommending a person to be nominated as a Member of the Lieutenant-Governor's Council. 55 & 56
Vict., c. 14.

(3) The Commissioners may do all things, not being inconsistent with this Act, which may be necessary to carry out the purposes of this section.

¹ In Assam, the Chief Commissioner.

² S. 1 of the Indian Councils Act, 1892, has been repealed by the Indian Councils Act, 1909 : Printed in the Collection of Statutes relating to India, Vol. II.

169A. (1) The Commissioners shall cause to be kept, for each hospital and dispensary vested in them, accounts, in such form as may be prescribed by rules made by the Local Government,² showing—

Receipts and expenditure on account of hospitals and dispensaries

- (a) all endowments, funds and contributions received by them,
- (b) all sums directed by them to be applied to establishment or maintenance, and
- (c) all expenditure incurred by them

(2) No money which has been received by the Commissioners on account of any hospital or dispensary, or directed by them to be applied to the establishment or maintenance of any hospital or dispensary, shall be expended on any other object

169B. The Local Government² may from time to time make rules —

Power to make rules

- (i) prescribing the qualifications of candidates for employment under clause (xi) of section 69, and
- (ii) generally, for the guidance of the Commissioners in all matters connected with the carrying out of the purposes of sections 69 and 69A

70. With the consent of two thirds of the Commissioners obtained in writing, and with the sanction of the Local Government,² the Commissioners may contribute a portion of the municipal fund towards the expenses incurred in any other municipality or elsewhere, for any of the purposes mentioned in [section 69, sub section (1)], or towards the salary of any officer under another authority whose services are employed by them, and also towards the expenses of making, maintaining and repairing any work for the improvement of a river or harbour (by whomsoever such work may be done)

Expenditure outside municipality.

But no contribution shall be made under this section to any work unless the same is calculated to benefit the inhabitants of the contributing municipality

⁴{Notwithstanding anything in this section, the municipal fund may be applied, by the vote of the majority referred to in the proviso to section 9, sub section (1), and without the consent and sanction mentioned in this section, to meeting expenses incurred beyond the limits of the municipality in the training of female medical practitioners or of veterinary practitioners }

¹ See 69A and 69B are new—see first footnote to s. 69, *ante*

² In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912) s. 3, and Sch. D, Pt. III, *ante*

³ The words and figures in square brackets in s. 70, were substituted for the words "the last preceding section" by the Bengal Municipal (Amendment) Act, 1896 (Ben. Act II of 1896), s. 8 (1) *post*

⁴ This paragraph was added by s. 8 (2) of the same Act, *post*

Account-books to be kept open and quarterly statement published.

71. The account-books of the municipality shall be open to the inspection of any tax-payer at the office of the Commissioners on a day or days to be fixed in each month.

An account showing the receipts and expenditure during the quarter, arranged under the proper heads and duly balanced, shall be prepared immediately after the close of each quarter, and shall, with the account-books, be open to the inspection of any tax-payer.

A similar account shall be prepared for each year as soon as possible after its close, and shall be open to inspection as aforesaid.

Annual estimates to be prepared.

72. The Commissioners, at a meeting held at least two months before the close of the year, shall prepare in detail estimates showing the probable receipts and expenditure during the ensuing year and the objects in respect of which it is proposed to incur such expenditure.

Estimates to be published.

73. Copies of the estimates and translations thereof in the vernacular of the district shall be lodged in the office of the Commissioners.

During fourteen days after the estimates shall have been so lodged in the said office, of which due notice shall be locally published, the estimates and translations in the vernacular of the district shall be open to inspection at all reasonable times by any tax-payer of such municipality who may desire to inspect the same.

Any written suggestion which may be deposited in the office of the Commissioners shall be recorded and laid before them for consideration at the next meeting.

Estimates to be transmitted to Magistrate.

74. After the expiration of the said fourteen days, and after such revision as may appear requisite, the estimates shall be transmitted to the Magistrate of the district.¹

Magistrate may record remarks.

75. The Magistrate may either forward the estimates to the Commissioner of the Division, or may return them to the Commissioners with such remarks and suggestions as he shall think fit to record. And the Commissioners at a meeting shall take into consideration the Magistrate's remarks, and shall either adopt his suggestions or shall record in writing their reasons for refusing to do so: and the estimates shall thereupon be returned to the Magistrate for transmission to the Commissioner of the Division.

Powers of Commissioner as to estimates.

76. The Commissioner of the Division may either sanction the estimate as it stands * * * *² or may cause it to be returned to the Commissioners for such modifications as he may think necessary; and, when such modifications have been made, the estimate shall be re-submitted for ratification to the Commissioner of the Division, [or if such modifications as may be recommended are not made, it shall be open to the Commissioner of the Division to make such alterations as may seem to him fit]:³

¹ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

² The words "or sanction it after making such alterations therein as may seem to him fit," in s. 76, were repealed by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 32, and are omitted.

³ These words in square brackets in s. 76 were inserted by s. 32 of the same Act, *post*.

Provided that the Commissioner of the Division shall not raise the total of the proposed expenditure above the sum shown by the estimate to be at the disposal of the Commissioners

77. The Commissioners at a meeting may from time to time, revise any estimate of expenditure with the view of providing for any modifications which they may deem it advisable to make in the appropriation of the amount at their disposal, and such revised estimate shall be published and forwarded in the manner hereinbefore prescribed and the Magistrate and the Commissioner of the Division may deal with such revised estimate in the manner provided above

Estimate of expenditure may be revised

78. After the estimates of the municipality for the year shall have been sanctioned as above the Commissioners at a meeting may from time to time by a general or a special resolution authorize the expenditure of any sum provided in such estimates or any part of such sum for the purpose to which it has been assigned in such estimate

Disbursement of expenditure sanctioned in estimate

Notwithstanding anything contained in this section the Local Government¹ may lay down such rules as it may think fit limiting or regulating the powers of any municipality in respect to the expenditure of money for purposes which are provided for in the budget estimates of the year

79. If any work is estimated to cost above five thousand rupees, the Local Government¹ may require the plans and estimates of such work to be submitted for its approval or for the approval of any officer of Government before such work is commenced, and may require statements of the progress and completion of such work with accounts of the expenditure on the same, to be submitted from time to time in such form as it may prescribe, for its approval, or for the approval of such officer

Power of Local Government if work estimated to cost more than five thousand rupees

80. It shall not be lawful for the Commissioners to authorize the expenditure on any object during the year of a sum in excess of that which has been sanctioned in the estimate of the year, or in a revised estimate for such object, but if it be found necessary in the course of the year, the Commissioners may recommend to the Commissioner of the Division that the allotments which have been made to the different heads of the estimate shall be modified by transfer of any amount from one head to another, and the Commissioner of the Division may sanction such transfers of allotments

Disbursement of excess expenditure

81. The Commissioners shall, at such time and in such form as the Local Government¹ shall direct, furnish annually a report of their proceedings and statements of the works executed by them and of all sums received and expended by them

An annual report of proceedings, etc., to be submitted.

The report and any orders which may be passed thereon by Government shall be open to the inspection of the tax payers at the office of the Commissioners with the account books and the quarterly and the annual accounts

¹ In Assam the Chief Commissioner—see the Bengal Bihar and Orissa and Assam Laws Act, 1912 (XII of 1912) s. 3 and Sch. D Pt. III ante

Keeping of registers and submission of returns.

¹ 82. (1) The Commissioners shall keep such registers, use such forms, and submit such returns as the Local Government ² may from time to time prescribe.

(2) The municipal accounts shall be audited each year in such manner as the Local Government ² may direct :

Local Government may appoint special officer to examine and report upon accounts.

Provided that if the officer appointed to make the yearly audit in any municipality shall report that the accounts are in such confusion that the financial position of the municipality cannot readily be ascertained, the Local Government ² may, by an order in writing, require the Commissioners to submit, within a time and to a person to be specified in such order, the accounts duly adjusted, and if the Commissioners fail to comply with such order, the Local Government ² may appoint a special officer to examine and report upon the accounts, and shall fix the salary of such special officer, which salary shall be paid from the municipal fund, unless the Local Government ² shall otherwise direct.

Custody of the municipal fund.

83. Unless the Local Government ² shall otherwise direct, all sums received on account of the municipal fund shall be paid into a Government treasury, or into any bank or branch bank used as a Government treasury in or near to the municipality, and shall be credited to an account to be called the account of the municipality to which they belong :

Provided that the Commissioners may invest any moneys not required for immediate use either in Government securities, or in any other form of security which may be approved of by the Local Government.²

Orders for payment of money from municipal fund.

84. Unless the Commissioner of the Division shall expressly extend (as he is hereby empowered to do, on the recommendation of the Commissioners at a meeting) the limit of the powers of the Chairman or Vice-Chairman in this behalf, all orders for the payment of money from the municipal fund, if for a sum not above five hundred rupees, shall be signed by the Chairman or Vice-Chairman ; and all orders for larger sums by both of the said officers or by one of the said officers and another Commissioner.

No such orders shall be issued otherwise than for the payment of money of which the expenditure has been authorized by the Commissioners at a meeting, as provided in section 78.

PART IV.

OF MUNICIPAL TAXATION.

85. The Commissioners may, from time to time, at a meeting convened expressly for the purpose, of which due notice shall have been given, and with

¹ This section was substituted for the original s. 82 by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 33, *post*. The original s. 82 ran thus :—

“ 82. The municipal account shall be kept in such form, and shall be audited each year in such manner, as the Local Government shall direct.”

² In Assam, the Chief Commissioner—*see* the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III.

as upon persons or holdings.

the sanction of the Local Government,¹ impose within the limits of the municipality one or other,² [er] both, of the following taxes —

- (a) a tax upon persons occupying holdings within the municipality according to their circumstances and property within the municipality

Provided that the amount assessed upon any person in respect of the occupation of any holding shall not be more than eighty four rupees *per annum*, or

- (b) a rate on the annual value of * * * holdings situated within the municipality

Provided that such rate shall not exceed seven and a half *per centum* on the annual value of such holdings except within the municipalities of ⁴ [Howrah, Patna] Dacca and Darjeeling, in which it shall not exceed ten *per centum* on such annual value, and provided also that no rate shall be imposed on any holding of which the annual value is less than six rupees

- ⁴ [Provided that both the taxes shall not be in force at the same time Additional taxes in the same ward]

§6. The Commissioners may, from time to time, at a meeting convened as aforesaid, and with the sanction of the Local Government,¹ order that the following tax, fee, tolls and rates, or any of them, be levied within the limits of the municipality in addition to either of the taxes mentioned in the last preceding section —

- (a) a tax on carriages, horses and other animals named in the fifth Schedule,
- (b) a fee on the registration of carts,
- (c) tolls on ferries and (subject to the provisions of sections 158 and 159) tolls upon bridges and metalled roads,
- (d) a water-rate not exceeding ⁵ [seven and a half] *per centum* on the annual value of holdings when the houses and lands are situated in streets supplied with water, and not exceeding ⁶ [six] *per centum* when the houses and lands are situated in streets not so supplied,
- (e) a lighting-rate not exceeding three *per centum* on such annual value;
- (f) a fee for the cleansing of latrines

¹ In Assam, the Chief Commissioner—see the Bengal Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III, ante

² This word "or," in s. 85, was substituted for the words "but not" by the Bengal Municipal (Amendment) Act, 1891 (Ben. Act IV of 1891) s. 31, post

³ The word "all," in s. 85(b) was repealed by s. 31 of the same Act, and is omitted

⁴ These words in square brackets in s. 85 (b) were inserted by s. 31 of the same Act, post

⁵ The words "seven and a half" and "six" in s. 86 (d) were substituted for "six" and "five" respectively, by s. 35 of the same Act, post

Provided that the taxes mentioned in clauses (d), (e) and (f) shall not be levied in any municipality unless the provisions of Part VII in respect of clause (d), or of Part VIII in respect of clause (e), or of Part IX in respect of clause (f), shall have been extended wholly or partly to such municipality in the manner hereinafter provided.

*Of the Tax on Persons.*¹

Assessment
list to be
prepared.

87. When it has been determined that a tax shall be imposed on persons occupying holdings within the municipality, according to their circumstances and property, the Commissioners, after making such inquiries as may be necessary, shall cause to be prepared an assessment list which shall contain the following particulars, and any others which the Commissioners may think proper to include :—

- (a) name of the street or road in which the holding is situated ;
- (b) number of the holding on the register ;
- (c) name of the person occupying the holding, whether such person be assessed or exempted from assessment ;
- (d) description of the holding and of the property within the municipality, and the profession or business of the person assessed ;
- (e) amount of annual assessment ;
- (f) amount of quarterly instalment ;
- (g) if the occupier of the holding is exempted from assessment, a note to that effect.

The tax upon persons shall be payable in quarterly instalments by persons occupying holdings.

Such tax shall not be assessed or levied on any person in respect of the occupation * * ² of any building which is used exclusively as a place of public worship ³ [or in respect of the occupation of any public burial or burning ground registered under section 254.]

Duration of
assessment.

88. Save as is herein otherwise provided, every assessment of the tax upon persons shall take effect from the beginning of the year next following that in which the notice required by section 112 is published, and shall be valid for three years, and until the beginning of the year next after the date on which a new assessment or valuation may be published, or until the assessment and valuation be revised and amended :

Provided that when this Act is extended to any place, the first assessment may take effect from the beginning of the quarter next following that in which the said notice shall be published.

¹ As to the imposition of this tax, see s. 85, *ante*.

² The words "of arable lands, or," in s. 87, were repealed by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 36, and are omitted.

³ These words and figures in square brackets in s. 87, were inserted by s. 36 of the same Act, *post*.

89. In any municipality in which the tax on persons is imposed, no tax shall be assessed on any person in respect of his occupation of any holding which ¹ [contains any building] the property of Government ² [or of a local authority] but a rate not exceeding seven and a half *per centum* may be assessed on the annual value of every such holding to be ascertained in the manner prescribed by section 101, and such rate shall be payable by Government ³ [or the local authority concerned]

Assessment of public buildings.

90. Whenever any tax shall have been assessed on any person in respect of his occupation of two or more holdings, and the aggregate of the amount so assessed upon him shall exceed eighty four rupees *per annum*, such person may, within fifteen days of the publication of the notice required by section 112, apply to the Commissioners to cancel such assessment, and to substitute for the total amount of tax so assessed upon him, in respect of the said holdings, a rate to be calculated at seven and a-half *per centum* on the annual value of such holdings, and the Commissioners shall thereupon substitute such rate, and, for the purpose of calculating the amount of such rate, shall determine the annual value of the said holdings in the manner prescribed by section 101

Procedure if aggregate amount of rates assessed on any person exceeds eighty four rupees *per annum*

Every rate imposed under this section shall be payable by the occupier of the holdings so rated

91. The Commissioners may exempt from assessment any person who may by them be deemed too poor to pay the tax, but the name of the occupier of every holding shall be included in the assessment-list, whether he be assessed or exempted from assessment

Power of exemption

92. If any person mentioned in the assessment-list shall, at any time after the publication thereof, have ceased to occupy any holding in respect of the occupation of which he has been assessed, or if the means and property in respect of which he has been so assessed shall have been reduced, the Commissioners may on his application exempt him from his assessment, or may revise the same, and such exemption or revision shall take effect from such date as the Commissioners may direct

Power to apply for reduction of assessment in altered circumstances

93. The Commissioners may, at any time after the publication of the notice required by section 112, assess any person who was without authority omitted from the assessment-list, or whose liability to assessment has accrued thereafter, and may enhance any assessment which appears to them to be inadequate, and to have been so made owing to mistake or fraud

Power to alter

Any assessment or enhancement made under this section shall take effect from the beginning of the quarter next following that in which such assessment or enhancement is made

¹ The words "contains any building" in s. 89 were substituted for the word "is" by the Act of 1894) s. 37, *post*.
² " or of a local authority" was substituted for the words "and used" in the same Act (as partially repealed by Ben. Act 1891 s. 44) *post*.

³ The words "or the local authority concerned," in s. 89, were inserted by s. 37 of the same Act (as partially repealed by Ben. Act VI of 1894) *post*.

Procedure on
change of
occupation.

94. The Commissioners may at any time substitute for any name mentioned in the assessment-list the name of any new occupier of a holding, and may assess the tax on such person, and such person shall be liable to pay such assessment from the date on which his occupation of the holding commenced.

Assessment
on vacant
holdings
when to
cease.

95. If any holding shall become vacant in course of the year, the assessment on account of the occupation of such holding shall cease to have effect from the first day of the quarter next following that in which it became vacant.

Of the Rate on the value of Holdings.¹

Commis-
sioners to
determine
the valuation
of holdings.

96. When it has been determined that a rate shall be imposed on the annual value of holdings, the Commissioners after making such inquiries as may be necessary, shall determine the valuation of all holdings within the municipality as hereinafter provided.

Duration of
assessment.

97. Save as is herein otherwise provided, such valuation shall be valid for ² [five] years from the date on which it first takes effect in the municipality, and until the beginning of the year next after the date on which a new valuation may be made, or until the valuation be revised and amended.

Effect of
alteration of
percentage.

³ 97A. If, within the period prescribed in the last preceding section, the percentage or the valuation of holdings at which the rate is to be levied is altered by the Commissioners under the provisions of section 102, the amount of the rate and the amount of the quarterly instalments thereof payable in each case shall be altered accordingly in the rating list, but the Commissioners shall not thereby be deemed to have made a new or revised assessment-list.

Holdings
exempted
from tax.

98. The rate on the value of holdings shall not be assessed or levied on any holding which is used exclusively as a place of public worship, or which is duly registered as a public burial or burning ground under section 254.

Exemption of
charitable
holdings from
a sessment.

⁴ [The Commissioners at a meeting may, with the sanction of the Local Government, ⁵ exempt from assessment any holding used for purposes of public charity.]

What returns
may be re-
quired for
ascertaining
annual value.

99. The Commissioners, in order to prepare the valuation-list, may, whenever they think fit, by notice, require the owners or occupiers of all holdings to furnish them with returns of the rent or annual value thereof; and the Commissioners, or any person authorized by them ⁶ [in writing] in that behalf, at any time between sunrise and sunset, may enter, inspect and measure, any such holding after having given forty-eight hours' previous notice of their intention to the occupier thereof:

¹ As to the imposition of this rate, see s. 85, *ante*.

² The word "five" in s. 97, was substituted for the word "three" by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 38, *post*.

³ S. 97A was inserted by s. 39 of the same Act, *post*.

⁴ This paragraph was added by s. 40 of the same Act, *post*.

⁵ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III.

⁶ The words "in writing," in s. 99, were inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 41, *post*.

¹ [Provided that where an assessor is appointed, such assessor shall not be competent to authorize any other person to enter, inspect and measure any such holding.]

100. Whoever refuses or fails to furnish any such return for the space of one week from the day on which he shall have been required to do so, or knowingly makes a false or incorrect return shall be liable to a fine not exceeding twenty rupees, and to a further daily fine not exceeding five rupees for each day during which he shall omit to furnish a true and correct return, and whoever hinders, obstructs or prevents any Commissioner, or any person appointed by the Commissioners as aforesaid, from entering, or inspecting, or measuring any such holding shall be liable to a fine not exceeding two hundred rupees

Penalty for default in furnishing return

101. The gross annual rent at which any holding may be reasonably expected to let shall be deemed to be the annual value thereof, and such value shall accordingly be determined by the Commissioners, and entered in the valuation list

Annual value of holding how to be ascertained.

Provided that, if there be on a holding any building or buildings, the actual cost of erection of which can be ascertained or estimated the annual value of such holding shall in no case be deemed to exceed an amount which would be equal to seven and a half *per centum* on such cost, in addition to a reasonable ground rent for the land comprised in the holding

Provided also that, where the actual cost so ascertained shall exceed one lakh of rupees, the percentage on the annual value to be levied in respect of so much of the cost as is in excess of one lakh of rupees shall not exceed one-fourth of the percentage determined by the Commissioners under section 102:

Provided further that, in estimating the annual value of a holding under this section, the value of any machinery that may be on such holding shall not be taken into consideration

102. Subject to the provisions of section 85, the Commissioners, at a meeting to be held before the close of the year next preceding the year to which the rate will apply, shall determine the percentage on the valuation of holdings at which the rate shall be levied, and the percentage so fixed shall remain in force until the order of the Commissioners determining such percentage shall be rescinded, and until the Commissioners at a meeting shall determine some other percentage on the valuation of holdings at which the rate will be levied from the beginning of the next year

Determination of rate of tax on holdings.

Provided that, when this Act is first extended to any place, the first rate may be levied from the beginning of the quarter next after that in which the percentage has been fixed by the Commissioners at a meeting

103. As soon as possible after the percentage at which the rate is to be levied for the next year shall have been determined under the last preceding section, the Commissioners shall cause to be prepared a valuation and rating list

Preparation of valuation and rating list

¹This proviso was added by s. 41 of the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), *post*.

list, which shall contain the following particulars, and any others which the Commissioners may think proper to include :—

- (a) name of the street-or road in which the holding is situated ;
- (b) number of the holding on the register ;
- (c) description of the holding ;
- (d) annual value of the holding ;
- (e) name of owner ;
- (f) amount of rate payable for the year ;
- (g) amount of quarterly instalment ;
- (h) if the holding is exempted from assessment, a note to that effect.

The rate upon holdings shall be payable in quarterly instalments by the owner of the holding.

104. If any house belongs to one owner, and the land on which it stands and any adjacent land which is usually occupied therewith belongs to another, the Commissioners may value such house and land together, and may impose thereon one consolidated rate.

The total amount of the rates shall be payable by the owner of the house, who shall thereafter be entitled to deduct from the rent which he pays for the land such proportion of the rate so paid by him as is equal to the proportion which such rent bears to the annual value of the holding.

If the owner of the house and the owner of the land do not agree in respect of the proportion of the rate so deducted by the owner of the house, the Commissioners shall, on the application of either party, make an award declaring the amount payable by each and such award shall be final.

105. If the sum due from the owner of any holding remains unpaid after the notice of demand has been duly served, and such owner be not resident within the municipality, or the place of abode of such owner be unknown, the same may be recovered from the occupier for the time being of such holding, who may deduct, from the next and following payments of his rent, the amount which may be so paid by or recovered from him :

Provided that no arrear of rate which has remained due from the owner of any holding for more than one year shall be so recovered from the occupier thereof.

106. Whenever, from the circumstances of the case, the levy of the rate on any holding in the municipality would be productive of excessive hardship to the person liable to pay the same, the Commissioners at a meeting may reduce the amount payable on account of such holding, or may remit the same.

107. If the value of any holding shall be diminished from any cause beyond the control of the owner thereof, the owner thereof may apply for reduction of the valuation of the same.

108. The Commissioners may, at any time after the publication of the notice required by section 112, value and rate any holding which was without authority omitted from the valuation and rating list, or which has become

Power to assess upon house consolidated tax for house and land on which it stands.

Tax due from non-resident owner may be recovered from occupier and deducted by him from his rent.

Power of Commissioners in cases of excessive hardship.

Application for reduction of assessment.

Power to revise valuation and assessment.

liable to valuation and rating after the publication thereof, and may enhance the valuation and rating of any holding which may appear to have been insufficiently valued or rated through mistake, oversight or fraud, and may re value and re-assess any holding the value of which has been increased by additions or alterations to any building thereon

Any rate imposed or enhancement made under this section shall take effect from the beginning of the quarter next following that in which the rate shall be imposed or enhancement made

109. The Commissioners may, at any time, substitute for any name mentioned in the valuation and rating list the name of any person to whom any holding mentioned therein shall have been transferred Power to revise assessment list

Such person shall be liable to pay the rate payable on such holding from the first day of the quarter next after the date of the transfer

110. When any holding has been vacant for sixty or more consecutive days during any year, the Commissioners shall remit, and, if the rate has been paid, shall refund, one half of so much of the rate of that year as may be proportionate to the number of days the said holding has remained unoccupied Remission or refund on account of vacant holdings

Provided that the owner of such holding, or his agent, has given to the Commissioners notice in writing of the vacancy thereof, and that the application for refund is made within six months from the date on which such notice is delivered at the office of the Commissioners

The amount of tax to be remitted or refunded shall be calculated from the date of the delivery of such notice

111. Whoever, being the owner of any holding for which a remission or refund of the rate has been made under the last preceding section, fails to give notice of the re occupation of such holding within ten days of such re-occupation shall be liable to a fine not exceeding three times the amount of rate payable quarterly on such holding Penalty

*Of General Provisions relating to the Tax on persons and the rate on Holdings and to the Recovery of the same*¹

§ 111A. If at any time it appears to the Local Government,² on the report of the Commissioner of the Division, that the assessment in any municipality is insufficient or inequitable, and if the Commissioners have not appointed an assessor under section 46, the Local Government³ may, by an order in writing, require the Commissioners of such municipality to revise and amend such assessment, or to show cause against such order within a time to be specified therein, Appointment of assessor of municipal taxes.

¹ As to the imposition of this tax and rate see s 86 ante

² S 111A was inserted by the Bengal Municipal (Amendment) Act, 1904 (Ben Act IV of 1904) s. 43 post

³ In Assam the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s 3, and Sch D, Pt III

and if the Commissioners fail to comply with such order, or if, in the opinion of the Local Government,¹ the revised and amended assessment is insufficient or inequitable, the Local Government¹ may, by an order in writing, require the Commissioners to appoint an assessor of municipal taxes for such municipality, within a time and for a period to be specified in such order; and such assessor shall exercise all the powers of assessment except under sections 113, 114 and 115, vested by this Act in the Commissioners.

Such order shall fix the pay of the assessor and the cost of his establishment, and such pay and cost shall be paid monthly by the Commissioners.

Publication
of notice of
assessments.

112. When the assessment list of the tax upon persons, or the valuation and rating list of the rate on the annual value of holdings, shall have been prepared or revised, the Chairman shall sign the same, and shall cause it to be deposited in the office of the Commissioners, and shall cause the notice in Form A or the notice in Form B of the third Schedule (as the case may be) to be published in the manner prescribed by section 354.

Application
for review.

113. Any person who is dissatisfied with the amount assessed upon him or with the valuation or rating of any holding,

or who disputes his occupation of any holding, or his liability to be assessed or rated,

may apply to the Commissioners to review the amount of assessment, valuation or rating, or to exempt him from the assessment or rate.

² [When an assessor has been appointed under section 111A, notice of every such application shall be given by the Commissioners to the assessor.]

Procedure
upon review.

114. Every application presented under the last preceding section shall be heard and determined by not less than three Commissioners, who shall be appointed in that behalf by the ³ [Commissioners at a meeting]. The Commissioners so appointed, after ³ [taking such evidence and] making such inquiries as they may deem necessary, may pass such order as they shall think fit in respect of such application.

The decision of such Commissioners, or of a majority thereof, in such cases shall be final.

Limitation
of time for
application
for review.

115. Unless good cause shall be shown to the satisfaction of such Commissioners for extending the time allowed, and save as is otherwise expressly provided in this Act, no such application shall be received after the expiration of one month from the date of publication of the notice required by section 112 relating to the list containing the assessment, valuation or rating in respect of which the application is made, or after the expiration of fifteen days

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Crissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and ch. D, P. III.

² This clause in square brackets was added by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 44, *post*.

³ The words "Commissioners at a meeting," in s. 114, were substituted for the word "Chairman" and the words "taking such evidence and," in the same section were inserted, by s. 45 of the same Act, *post*.

from the date of service of the first notice of demand for payment at the rate in respect of which the application is made, whichever period shall last expire

116. No objection shall be taken to any assessment or rating * * *¹ in any other manner * * *¹ than in this Act is provided

Assessment to be questioned only under Act

117. By notification to be posted up in their office, the Commissioners shall declare at what hours of each day (not being a Sunday or other recognized holiday) the office shall be open for the receipt of money and the transaction of business

Office hours for payment of taxes

118. The amount due by any person on account of the tax on persons, or the rate on holdings shall be deemed to be the amount entered in the lists, the notice relating to which is published under section 112 unless the amount entered in such lists is subsequently altered by the Commissioners as provided in this Act, in which case the amount to which the assessment or rating is so altered shall be deemed to be the amount due

Tax payable in advance

Every instalment of such tax or rate shall be deemed to be due on the first day of the quarter in respect of which such instalment is payable

119. For all sums paid on account of any tax or rate under this Act a receipt stating the amount and the tax or rate on account of which it is paid shall be given, signed by the tax-collector, or by some other officer authorized by the Commissioners to grant such receipts

Receipts to be given

120. At any time within six months after any sum has become due on account of any tax or rate, the Commissioners shall cause to be presented to the person liable to the payment thereof a bill for the said sum, which shall contain a statement of the period and of the tax or rate on account of which the charge is made

Bill and notice of demand to be presented

If the amount mentioned in such bill be not paid on presentation thereof, a notice of demand in the form marked A in the fourth Schedule, with copy of the bill appended thereto, shall be served on the person liable to pay the same, and such notice of demand may be served at any subsequent time

Provided that no charge shall be made in respect of the service of such notice

Such notice shall be signed by the Chairman or an officer authorized in that behalf, and shall be served by a person authorized to receive payment

121. If any person, after service upon him of such bill and notice, shall not, within fifteen days of the service of such notice or from the date of any order made on an application for review under section 114 pay the sum due, either to the Commissioners at their office or to some person authorized by them to receive the money, or show to the Commissioners sufficient cause for not paying the same,

If not paid in fifteen days, process of distress may issue

¹ The words "nor shall the liability of any person to be assessed or rated be questioned" and the words "or by any other authority" in s. 116 were repealed by the Bengal Municipal (Amendment) Act 1924 (Ben. Act IV of 1924) s. 46, and are omitted.

the amount of the arrear due, with costs on the scale shown in the table of fees marked B in the fourth Schedule, may at any time within three months after the date of service of the said notice, or of the order made on an application for review as aforesaid, be levied by distress and sale of any moveable property belonging to the defaulter, except ploughs, plough-cattle, tools or implements of agriculture or trade, wherever found, or of any moveable property belonging to any other person, subject to the same exceptions which may be found within the holding in respect of which such defaulter is liable to such tax or rate :

¹ [Provided that when the holding in respect of which the default is committed is a place of business, and the moveable property distrained is shown to the satisfaction of the Commissioners to have been left there for repairs or safe custody in the ordinary course of business, it shall be released :

Provided also that, if the said property or any part thereof belong to any person other than the defaulter, the defaulter shall be liable to indemnify the owner thereof for any damage he may sustain by reason of such distress, or by reason of any payment he may make to avoid such distress or any sale under the same.]

Distress how
to be made.

122. Every warrant of distress and sale under the last preceding section shall be issued by the Commissioners, and shall be in the form marked C in the fourth Schedule.

Distress shall be made by actual seizure of moveable property, and the officer charged with the execution of the warrant shall be responsible for the due custody thereof.

Such officer shall make an inventory of all moveable property seized under the warrant, and shall give not less than ten days' previous notice of the sale, and of the time and place thereof by beat of drum, in the municipality or ward in which the property is situated, and by serving on the defaulter a notice in the form marked D in the fourth Schedule :

Provided that, if the property is of a perishable nature, it may be sold at once with the consent of the defaulter, or without such consent at any time after the expiry of six hours from the seizure.

Officer may
break open
door.

123. The officer charged with the execution of the warrant may, under the special order of the Commissioners, between sunrise and sunset break open any outer or inner door or window of a house, in order to make the distress, if he has reasonable ground for believing that such house contains any moveable property belonging to the defaulter, and if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance :

¹ The two provisoes in square brackets were substituted for the original paragraph by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 47, *post*. The original paragraph ran thus :—

"If the said property or any part thereof belong to any person other than the defaulter, the defaulter shall be liable to indemnify the owner thereof for any damage he may sustain by reason of such distress, or by reason of any payment he may make to avoid such distress, or any sale under the same."

Provided that he shall not enter or break open the door of any room appropriated for the zenana or residence of women which by the usage of the country is considered private except after three hours' notice and opportunity given for the retirement of the women

124. If the sum due be not paid with costs before the time fixed for the sale, or the warrant be not discharged or suspended by the Commissioners, the moveable property seized shall be sold by auction at the time and place specified in the most public manner possible and the proceeds shall be applied in discharge of the arrears and costs

The surplus sale proceeds (if any) shall be credited to the municipal fund, and may be paid on demand to any person who establishes his right to the satisfaction of the Commissioners or in a Court of competent jurisdiction

The tax collector or other officer authorized in that behalf shall make a return of all such sales to the Commissioners in the form marked E in the fourth Schedule

125. All officers and servants of the Commissioners and all chankidars, constables and other officers of police are prohibited from purchasing any property at any such sale

¹ [Whoever (not being a public servant within the meaning of section 21 of the Indian Penal Code)² contravenes the provisions of this section shall be punished with simple imprisonment for a term which may extend to two months or with fine, or with both]

126. The Commissioners shall cause a regular account to be kept of all distresses levied and sales made, for the recovery of taxes under this Act

127. If no sufficient ³[moveable property] belonging to a defaulter, or being upon the premises in respect of which he is assessed or rated can be found within the municipality, the Magistrate may, on the application of the Commissioners, issue his warrant to any officer of his Court for the distress and sale of any ⁴[moveable] property or effects belonging to the defaulter within any other part of the jurisdiction of the Magistrate or for the distress and sale of any ⁵[moveable] property belonging to the defaulter within the jurisdiction of any other Magistrate ⁶[exercising jurisdiction within the territories administered by the Lieutenant-Governor of Bengal⁷] and such other

¹ This paragraph in square brackets in s. 125 was added by the Bengal Municipal (Amendment) Act 1894 (Ben. Act IV of 1894) s. 48 post

² Cenl Acts Vol I

³ The words 'moveable property' in s. 127, were substituted for the words 'goods or chattels' by the Bengal Municipal (Amendment) Act 1894 (Ben. Act IV of 1894) s. 49 post

⁴ The word 'moveable' in s. 127, was substituted for the word 'personal' by s. 49 of the same Act post

⁵ The words 'exercising jurisdiction within the territories administered by the Lieutenant-Governor of Bengal' in s. 127 were substituted for the word 'whatsoever' by s. 49 of the same Act post

⁶ In Assam the Chief Commissioner—see the Bengal Bihar and Orissa and Assam Laws Act 1912 (VII of 1912) s. 3 and Sch. D Pt. III

Magistrate shall endorse the warrant so issued, and cause it to be executed, and the amount, if levied, to be remitted to the Magistrate issuing the warrant, who shall remit the same to the Commissioners.

Distress or
sale not
unlawful for
want of form.

128. No distress or sale made under this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser on account of any error, defect or want of form in the bill, notice, summons, warrant of distress, inventory or other proceeding relating thereto.

Commis-
sioners may
bring suit
instead of
distressing or
on failure of
distress.
Irrecoverable
taxes.

129. Instead of proceeding by distress and sale, or in case of failure to realize thereby the whole or any part of any tax, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

130. The Commissioners may order to be struck off the books the amount of any tax or rate which may appear to them to be irrecoverable.

Of the Tax on Carriages, Horses and other Animals.¹

Tax on
carriages,
horses and
other
animals.

131. When it has been determined that a tax on carriages, horses and other animals specified in the fifth Schedule shall be imposed, the Commissioners at a meeting shall make an order that every carriage, horse, and every other animal of the kind specified in the said Schedule, which is kept ²[or is used in the ordinary course of business] within, or which is let for hire within or without, the municipality, ²[and is used in the ordinary course of business] within it, shall pay the tax, and shall cause such order to be published in the manner prescribed by section 354.

Such order shall be published at least one month before the beginning of the half-year in which such tax shall first take effect; and shall specify at what rates, not exceeding the rates given in the said Schedule, such tax shall be levied.

But such tax shall not be imposed on—

- (a) horses or ponies belonging to officers doing regimental duty, at the rate of one animal for each officer;
- (b) animals exempt from any municipal tax under section 25 of the Indian Volunteers Act, 1869 ³;
- (c) carriages or animals belonging to Government, or to the Commissioners, or for keeping which for the execution of their duty an allowance is made by the Government or by the Commissioners to any of their officers;
- (d) animals used by, or exclusively for the purposes of, any regiment;

¹ As to the imposition of this tax, see s. 86, *ante*.

² The words "or is used in the ordinary course of business" and "and is used in the ordinary course of business," in s. 131, were substituted for the words "or habitually used" and "and habitually used," respectively, by the Bengal Municipal (Amendment) Act, 1896 (Ben. Act II of 1896), s. 9 (1), *post*.

³ Genl. Acts, Vol. II.

(e) horses or ponies used by police officers, at the rate of not more than one for each officer,

(f) carriages, the wheels of which do not exceed twenty four inches in diameter,

(g) carriages or animals kept for sale by any *bond fide* dealer in such carriages or animals, and not used for any other purpose

132. Any order of the Commissioners imposing a tax under the last preceding section shall continue in force until rescinded and the tax shall be levied at the rates specified in the order published as aforesaid, unless and until the Commissioners at a meeting held not less than fifteen days before the end of the year make and publish an order specifying any different rates at which the tax shall be payable for the ensuing year

Tax so fixed to continue in force until altered

133. In any municipality in which a tax has been imposed under section 131, the owner of every carriage horse and other animal specified in the said Schedule shall within the first month of each half-year, forward to the Commissioners a statement in writing, signed by him, containing a description of the carriages horses and other animals liable to the tax, for which he is bound to take out a license

Licenses how to be obtained

Such owner shall at the same time, pay to the Commissioners such sum as shall be payable by him for the current half year for the carriages, horses and other animals specified in such statement, according to the rates specified in any order for the time being in force under the two last preceding sections

134. If any person acquires possession at any time after the commencement of any half year, of any carriage, horse or other animal specified in the schedule, in respect of which no license has been given for such half year, he shall forward a statement as above required within one month of the date on which he may have acquired possession thereof, and shall pay such amount of the tax as shall bear the same proportion to the whole tax for the half-year as the unexpired portion of the half year bears to the half year, and such amount shall be calculated from the date on which such person may have acquired possession as aforesaid

Proportionate tax on carriages etc. acquired during half year

135. On receiving the amount of the tax due as aforesaid, the Commissioners, or some person authorized by them in that behalf, shall give to the person paying the same a license for the several carriages, horses and other animals for the period in respect of which the amount is received

On payment of tax Commissioners to give a license.

Such license shall be for the current half-year and no longer

136. Whenever the owner of any carriage, horse or other animal liable to pay the said tax is not resident within the limits of the municipality to the Commissioners of which the tax is due, the person in whose immediate possession the carriage, horse or other animal is for the time being kept shall take out a license for the same

Carriage, etc. liable to tax, although the owner be absent

137. Whoever keeps, or is in possession of, any carriage, horse or other animal, without the license required by any of the three last preceding sec-

Penalty

tions, shall be liable to a fine not exceeding three times the amount payable by him in respect of such license, exclusive of the amount so payable.

Commissioners may compound with livery stable-keepers.

138. The Commissioners, at their discretion, may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages or animals for hire, for a certain sum to be paid for the carriages or animals so kept by such person, in lieu of the tax at the rates specified in any order made by the Commissioners under sections 131 and 132.

List of persons licensed to be prepared.

139. The Commissioners shall, from time to time, cause to be prepared and entered in a book, to be kept by them, and to be open to the inspection of any person interested therein, a list of the persons to whom during the then current half-year a license has been given, and of the carriages, horses and other animals in respect of which they have paid the tax.

Power to inspect stable, etc., and to summon persons liable to the payment of the tax.

140. The Commissioners, or any person authorized by them in that behalf, may, at any time between sunrise and sunset, enter and inspect any stable or coach-house, or any place wherein they may have reason to believe that there is any carriage, horse or other animal liable to the tax, for which a license has not been duly taken out.

And the Commissioners may summon any person whom they have reason to believe to be liable to the payment of any such tax, or any servant of such person, and may examine such person or servant as to the number and description of the carriages, horses and other animals in respect of which such person is liable to be taxed.

Refund of tax in certain cases.

141. On proof being given to the satisfaction of the Commissioners that a carriage, horse or other animal for which a license has been taken out for any half-year has ceased to be kept or to be used within the municipality during the course of such half-year, the Commissioners shall order a refund of so much of the tax for the half-year as shall bear the same proportion to the whole tax for the half-year as the period during which such carriage, horse or other animal has not been kept or used in the municipality bears to the half-year; but no such refund shall be allowed unless notice be given to the Commissioners within one month of the time when such use of such carriage, horse or other animal ceased, and, except for special cause shown, the Commissioners shall pass no order for refund until after the close of the half-year in respect of which the refund is claimed.

Prohibition of double fee.

¹ **141A.** Nothing in sections 131 to 141 shall be deemed to authorize the levy of more than one fee for the same period in respect of any carriage, horse or other animal which is kept or used in more than one municipality * *.²

Meaning of "used in the ordinary course of business."

³ **141B.** A carriage, horse or other animal shall be deemed to be used in the ordinary course of business, within the meaning of section 131, if it is used on business on an average thrice a week.

¹ S. 141A was inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 50, *post*.

² The words "or cantonment," in s. 141A, were repealed by the Bengal Municipal (Amendment) Act, 1896 (Ben. Act II of 1896), s. 9 (4), and are omitted.

³ S. 141B was inserted by s. 10 of the same Act, *post*.

Of the Registration of Carts

142. The Commissioners at a meeting may make and publish an order that every cart which is kept [or is used in the ordinary course of business] within or which is let for hire within or without the municipality [and is used in the ordinary course of business] within it shall be registered by the Commissioners with the name and residence of the owner, and shall bear the number of registration in such manner as the said Commissioners shall direct.

Provided always that such order shall be published at least one month before the beginning of the half year in which such order for registration shall be enforced.

This section shall not apply to—

- (a) carts which are the property of the Government or of the Commissioners,
- (b) carts which are kept without the limits of the municipality, and are only temporarily and casually used within such limits,
- (c) Howrah * * *

143. The registration of carts under the last preceding section shall be made, and the numbers assigned yearly or half yearly, upon such days as the Commissioners shall notify, and such fee as they shall from time to time fix and notify, not exceeding four rupees if the registration has effect for a year, and not exceeding two rupees if the registration has effect for half a year, shall be paid for each registration.

144. Any person becoming possessed of any cart which has not been registered for the then current period of registration shall register the same within one month from the date on which he may have become possessed thereof, and the Commissioners shall grant registration in any such case on payment of such amount of the fee as shall bear the same proportion to the whole fee for the current period of registration as the unexpired portion of the current period of registration bears to the whole of such period, and such fee shall be calculated from the date on which such person may have become possessed as aforesaid.

145. When the ownership of any registered cart is transferred within any period of registration, it shall be registered anew within one month of the transfer in the name of the person to whom it has been transferred, and a fee not exceeding four annas shall be paid for every such last mentioned registration.

146. Whoever keeps, or is in possession of, a cart not duly registered as required by any of the three last preceding sections shall be liable to a fine not exceeding three times the amount payable by him in respect of such re-

Registration
and number-
ing of carts

Fee for
registration

Proportionate
payment of
fee

Transfer of
ownership

Penalty

* The words "or is used in the ordinary course of business" and "and is used in the ordinary course of business" were omitted in the Bengal Municipal (Amendment) Act 1896.

c) were repealed by the Bengal Municipal Act 1911 and are omitted.

Seizure and
sale of un-
registered
cart.

gistration, exclusive of the amount so payable; and whoever, being the owner or driver of any cart, shall fail to affix thereto the registration number as required by section 142 shall be liable to a fine not exceeding five rupees.

147. If any person owns or keeps any cart hereinbefore required to be registered without having caused the same to be registered, the Commissioners or any person authorized by them in that behalf, may seize and detain such cart (provided the same be not employed at the time of seizure in the conveyance of any passengers or goods), together with the animals drawing the same, and all police officers are required, on the application of the Commissioners, or of any servant of the Commissioners duly authorized in that behalf, to assist in the said seizure.

After such seizure the Commissioners shall forthwith issue a notice in writing that after the expiration of ten days they will sell such vehicle and animals by auction at such place as they may state in the notice; and, if any registration fee, together with the cost arising from such seizure and custody remains unpaid for ten days after the issue of such notice, the Commissioners may sell the property seized for payment of the said fee, and of all expenses occasioned by such non-payment, seizure, custody and sale.

The surplus sale-proceeds (if any) shall be credited to the municipal fund, and may be paid on demand to any person who establishes his right to the satisfaction of the Commissioners or in a Court of competent jurisdiction:

Provided that, if at any time before the sale is concluded, the person whose cart has been seized shall tender to the Commissioners, or to the person authorized by them to sell the cart, the amount of all the expenses incurred and the registration fee payable by him, the Commissioners shall forthwith release the cart so seized.

Notwithstanding anything contained in this section, the surplus of the sale-proceeds of a cart seized under this section may be devoted to the payment of any fine imposed under the last preceding section; and any cart which has been seized under this section may be sold for the realization of any such fine.

147A. Nothing in sections 142 to 147 shall be deemed to authorize the levy of more than one fee for the same period in respect of any cart which is ²[used in the ordinary course of business] in more than one municipality ³.

Apportionment of fees. ⁴[When carts not kept within any municipality are so used in more than one municipality, the Local Government ⁵ on the application of the Commissioners of any such municipality, may, if it thinks fit, apportion between

¹ S. 147A was inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 52, *post*.

² The words "used in the ordinary course of business," in s. 147A, were substituted for the words "habitually used" by the Bengal Municipal (Amendment) Act, 1896 (Ben. Act II of 1896), s. 9 (2), *post*.

³ The words "or cantonment," in s. 147A, were repealed by s. 9 (4) of the same Act, and are omitted.

⁴ These clauses in square brackets were added to s. 147A by s. 9 (3) of the same Act, *post*.

⁵ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III, *ante*.

all such municipalities the registration fees paid under this Act in respect of such carts

Where a cart is registered under this Act in more than one municipality, the Commissioners of the municipality within which the cart is kept shall have a right to levy the registration fee in preference to the Commissioners of any other municipality.]¹

² 147B. A cart shall be deemed to be used in the ordinary course of business, within the meaning of sections 142 and 147A if it is used on an average twice a week.

Of Tolls on Ferries

148. The Local Government³ may, with the consent of the Commissioners make over to the Commissioners any existing public ferry within or adjacent to the limits of the municipality to be administered by them until the Local Government³ shall otherwise direct.

Every ferry while so administered shall be deemed to be a municipal ferry, and the profits derivable therefrom or such part of the profits as shall be agreed upon between the Local Government³ and the Commissioners shall be carried to the credit of the municipal fund.

149. The Commissioners may also with the sanction of the Local Government³ declare that any other ferry within or adjacent to the limits of the municipality is a municipal ferry and the profits derivable therefrom shall thenceforward be carried to the credit of the municipal fund.

Provided that due compensation shall be made by the Commissioners to any person for the loss which he may have sustained in consequence of such ferry being declared to be a municipal ferry.

The amount of compensation due in such cases shall be ascertained and awarded by the Magistrate under the provisions of section 4 of Bengal Act 1 of 1866⁴ (to amend certain provisions of Regulation G of 1819) or any similar law⁵ for the time being in force.

150. Every municipal ferry shall be maintained by the Commissioners, and they shall do all things necessary to provide for the safety and convenience of travellers and the safety of property to be conveyed on such ferry.

151. When it has been determined to impose tolls on municipal ferries the Commissioners at a meeting shall make and publish an order specifying the ferries and with the sanction of the Commissioner of the Division, the rates at which such tolls shall be levied.

¹ These clauses in square brackets were added to s. 147A by s. 9 (3) of the Bengal Municipal (Amendment) Act 1896 (Ben. Act II of 1896) *post*.

² S. 147B was inserted by the Bengal Municipal (Amendment) Act 1896 (Ben. Act II of 1896) s. 11 *post*.

³ In Assam the C. of Commissioners—see the Bengal Bihar and Orissa and Assam Laws Act 191 (VII of 1911) s. 3 and Sch. D Pt. III.

⁴ Ben. Act I of 1866 has been repealed in Assam by the Repealing and Amending Act 1891 (VII of 1891).

⁵ See now in Assam the Northern India Ferries Act 1878 (VIII of 1878) s. 5 *ante*.

Levy of fee when cart registered in more than one municipality
Meaning of used in the ordinary course of business

Existing public ferries

Other ferries may be declared to be municipal

Duties of Commissioners in regard to such ferries

Rate of tolls to be established and published

Such rates may from time to time be varied with the like sanction.

When persons crossing river not liable to toll.

152. No person shall be liable to pay any toll for crossing any river or stream at or near a municipal ferry, unless he avails himself of the means provided by the Commissioners for crossing such river or stream.

Cancellation of ferry lease, etc.

153. Every lease of a ferry given by the Commissioners as hereinafter provided shall be liable to be cancelled at once, if it shall appear to the Commissioners at a meeting that the lessee has failed to make due provision for the convenience or safety of the public within fifteen days after being required to do so by a notice in writing from the Commissioners.

On the cancelment of a lease the Commissioners may take possession of all boats and other appliances which have been used by the lessee in the working of the ferry; and may either retain the same permanently on payment of a fair price to the proprietor, or may retain them for such time as may be necessary, not exceeding three months, until they can make arrangements for such other boats and appliances as may be necessary, in which case the Commissioners shall pay a fair sum to the owners for the use of the said boats and appliances:

Provided that within a week of taking such possession, the Commissioners shall be bound to give notice to the said lessee of their intention to retain the said boats and appliances permanently, or for a period to be specified in the notice.

Toll must be prepaid.

154. Any collector or lessee of tolls, or his agent, may refuse to convey any person or goods across a municipal ferry until the proper toll has been paid, and may require any person who refuses to pay the toll to leave the boat and to remove his goods from it.

Penalty.

Any person who refuses to leave a municipal ferry boat, or to remove his goods therefrom when required to do so under this section, shall be liable to a fine not exceeding ten rupees.

Keeping of unauthorized ferry.

155. No person shall keep a ferry-boat for the purpose of plying for hire within a distance of two miles above or below any municipal ferry without the previous sanction,

of the Commissioners, if he plies within the limits of the municipality, of the Magistrate of the district,¹ if without such limits,

or of the Magistrate of the district¹ and the Commissioners, if one of the two banks between which he plies is within, and the other bank is without, such limits.

This section shall not apply to any private ferry which may be in existence at the commencement of this Act.

Penalty.

156. Whoever keeps a ferry-boat contrary to the provisions of the last preceding section shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence

¹ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 12.

is continued after he has been required by a notice in writing to desist from such offence

Of Tolls on Bridges and Roads

157. The Local Government¹ may, with the consent of the Commissioners Existing toll bars
at a meeting, make over to the Commissioners any existing toll-bar within the limits of the municipality, to be administered by them until the Local Government¹ shall otherwise direct, every toll-bar while so administered shall be deemed to be a municipal toll bar, and the profits derivable therefrom, or such part thereof as shall be agreed upon between the Local Government¹ and the Commissioners shall be carried to the credit of the municipal fund

158. The Commissioners at a meeting, with the sanction of the Local Commissioners
Government,¹ may establish a toll bar and levy tolls on any bridge or metalled road which they may have constructed after the commencement of this Act, or at any place within the municipality adjacent to such bridge or metalled road at which tolls may conveniently be levied on vehicles and animals passing over such bridge or road, and the profits derivable therefrom shall be carried to the credit of the municipal fund

Provided that no such toll-bar shall be established, or tolls levied, otherwise than for the purpose of recovering the expenses incurred in constructing such bridge or road and in maintaining such bridge or road in repair for the five years next after the construction thereof, together with interest on such expenses as hereinafter provided

159. Whenever a toll-bar shall have been established, and tolls shall be levied as provided in the last preceding section, the Commissioners shall at the end of each year publish, by causing it to be posted up at their office, an abstract account showing—
Commissioners may establish toll-bars.
Commissioners to publish expenses, etc., of toll-bars.

- (1) the amount of expenses incurred in the construction of such bridge or road, and in the maintenance of the same,
- (2) the amount of interest which has accrued due thereon, at the annual rate of six per centum and
- (3) the amount which has been received from the profits of the said toll-bars since its establishment

And, as soon as such expenses and interest shall have been recovered as aforesaid, such toll-bars shall be removed, and tolls shall no longer be levied on such bridge or road

160. When it has been determined that tolls shall be levied on any such bridge or road, the Commissioners at a meeting shall make and publish an order, with the sanction of the Commissioner of the Division specifying the rates at which such tolls shall be levied
Rates of tolls to be established and published

Such rates may from time to time be varied with the like sanction

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912) s. 3, and Sch. D, Pt. III

Power of collector or lessee in case of refusal to pay toll.
 Penalty for refusing to pay or avoiding payment of toll.
 In case of non-payment of toll, vehicle, etc., may be seized and sold.

161. Any collector or lessee of tolls may refuse to allow any person to pass through any municipal toll-bar until the proper toll has been paid.

162. Whoever, having driven any vehicle or animal (not exempted from toll) through a toll-gate, refuses to pay the toll, or, with intent to evade payment of the toll, fraudulently avoids passing through such toll-gate, shall be liable to a fine not exceeding fifty rupees.

163. If the toll due on any vehicle or animal is not paid on demand, the person authorized to collect the same may seize such vehicle or animal, or any part of its burden of sufficient value to defray the toll, and shall give immediate notice of such seizure to the Commissioners.

After such seizure the Commissioners shall forthwith issue a notice in writing that, after the expiration of ten days, they will sell the property seized by auction at such place as they may state in the notice; and if any toll, together with the cost arising from such seizure and custody, remain undischarged for ten days after the issue of such notice, the Commissioners may sell the property seized, for discharge of the toll, and of all expenses occasioned by such non-payment, seizure, custody and sale.

The surplus sale-proceeds (if any) shall be credited to the municipal fund, and may be paid on demand to any person who establishes his right to the satisfaction of the Commissioners or in a Court of competent jurisdiction:

Provided that, if at any time before the sale has been concluded, the person whose property has been seized shall tender to the Commissioners, or to the officers appointed by them to sell the property, the amount of all the expenses incurred and of the toll payable, the Commissioners shall forthwith release the property seized.

Notwithstanding anything contained in this section, the surplus of the sale-proceeds of any property seized under this section may be devoted to the payment of any fine imposed under the last preceding section; and any property which has been seized under this section may be sold for the realization of any such fine.

Of General Provisions relating to Tolls on Ferries and Roads.

Lease of ferry or toll-bar.

164. The Commissioners may grant a lease of any municipal ferry or toll-bar for any period not exceeding three years.

Table of tolls to be hung up.

165. A table of tolls legibly written in the vernacular of the district shall be hung up,

in some conspicuous position at each end of every municipal ferry, and in some conspicuous position near every municipal toll-bar, so as to be easily read by all persons required to pay the toll.

Penalty.

166. Whoever, being a toll-collector or lessee of a municipal ferry or toll-bar, neglects to hang up a table of tolls as required by the last preceding section shall be liable to a fine not exceeding fifty rupees, and to a further

fine, not exceeding ten rupees, for each day during which the offence is continued after he has been required by a notice in writing to desist from such offence

167. The Commissioners, or the lessee of any municipal ferry or toll-bar, may compound with any person for a certain sum to be paid by such person for himself, or for any vehicles or animals kept by him, in lieu of the ordinary toll payable Composition in respect of tolls

168. No tolls shall be paid for the passage * * * * ¹ of * * * ² Exemptions. Government stores ³ or the persons in charge of them,

or of * * * ² police officers, or of any public or municipal officer on duty, or of any person in their custody, or of any property belonging to them or in their custody, or of any vehicle or animal employed by such persons for the transport of such property,

or of conservancy carts or other vehicles or animals belonging to the Commissioners or of the persons in charge of them,

* * * * *

Provided that tolls shall be leviable for conveying such animals ⁵ over a ferry

And the Commissioners or their lessees shall not be bound to allow any person or thing not specified above to cross a ferry or to pass a toll-gate without payment of the prescribed toll

But the Commissioners at a meeting may exempt any other class of persons or things from payment of the said toll, and in granting a lease of any ferry or toll-bar may stipulate that any municipal servants and property and any other persons or things shall be allowed to pass without payment of the toll.

169. In all cases of resistance to the person authorized to collect tolls, police-officers shall assist when required, and for that purpose shall have the same powers as they have in the exercise of their ordinary police duties Police officers to assist

170. Whoever, being authorized under this Act to collect tolls, demands, or takes any higher tolls, than the tolls authorized under this Act, shall be liable to a fine not exceeding fifty rupees, and in default of payment to one month's imprisonment Penalty for taking unauthorized tolls

¹ The words "of troops on the march or of animals or vehicles employed in the transport of such troops or," in s. 168, were repealed by the Indian Tolls (Army) Act, 1901 (II of 1901), and are omitted

² The words "military or," were repealed by the same Act, and are omitted

³ The words "Government stores which are exempted by s. 3 of the Tolls Act, 1901 (II of 1901), or of any property belonging to them or in their custody, or of any vehicle or animal employed by such persons for the transport of such property," were repealed by s. 8 of that Act.

⁵ So much of this proviso as relates to any animals which are exempted by s. 3 of the Indian Tolls (Army) Act, 1901 (II of 1901), is repealed by s. 8 of that Act.

Commissioners may be appointed to collect tolls in a navigable channel.

171. If the Local Government¹ has declared that the provisions of the Canal Act, 1864,² or any other similar law for the time being in force, are applicable to any navigable channel which passes through the limits of a municipality, it may, with the consent of the Commissioners, appoint the Commissioners to collect tolls, as provided in section 8 of the said Act, until the Local Government¹ shall otherwise direct; and the profits derivable therefrom, or such part thereof, as shall be agreed upon between the Local Government¹ and the Commissioners, shall be carried to the credit of the municipal fund. Ben. Act V of 1864.

In such case the Commissioners shall exercise all the powers vested by such Act in the Collector.

Local Government may order Commissioners to cease levying tolls.

172. The Local Government¹ may at any time order that the Commissioners, or any person authorized by them, shall cease to levy any tolls under the last preceding section, and may at any time withdraw such order.

PART V.

MUNICIPAL REGULATIONS WHICH SHALL BE GENERALLY IN FORCE IN ALL MUNICIPALITIES.

General.

Operation of this Part.

173. The provisions of this Part shall be in force in every municipality unless and until the Local Government¹ shall otherwise direct.

Local Government may order provisions of this Part to be not in force in any municipality.

174. The Local Government¹ may, at any time, make an order directing that all or any of the said provisions shall not be in force in any municipality or in any part thereof; and the provisions mentioned in such order shall cease to be in force in such municipality, or part thereof, from the date specified in such order.

The Local Government¹ may at any time cancel or modify any order made under this section.

Procedure, when owners or occupiers required to execute works by Commissioners.

175. Whenever it is provided in this Part or in Part VI that the Commissioners or the Commissioners at a meeting may require the owners or the occupiers, or the owners and occupiers of any land, to execute any work or to do anything within a specified time, such requisition shall be made, as far as possible, by a notice to be served as provided in sections 356 and 357, on every owner or occupier who is required to execute such work or to do such thing; but, if there be any doubt as to the persons who are

¹ In Assam, the Chief Commissioner—see the Bengal Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III.

² Ben. Act V of 1864 has been repealed in Assam by the Repealing and Amending Act, 1897 (V of 1897).

owners or occupiers, such requisition may be made by a notification to be posted up on or near the spot at which the work is required to be executed or the thing done, requiring the owners or the occupiers, or the owners and occupiers of any land, to execute such work or to do such thing within a specified time, and in such notification it shall not be necessary to name the owners or occupiers

Every requisition as aforesaid shall give notice to the persons to whom it is addressed that, if they fail to comply with the requisition or to prefer, an objection against such requisition as provided in the next succeeding section the Commissioners will enter upon the land and cause the required work to be executed or the required thing to be done, and that in such case the expenses incurred thereby will be recovered from the persons who are required in such requisition to execute such work or do such thing

176. Any person who is required by a requisition as aforesaid to execute any work or to do anything may, instead of executing the work or doing the thing required, prefer an objection in writing to the Commissioners against such requisition within five days of the service of the notice or posting up of the notification containing the requisition, or, if the time within which he is required to comply with the requisition be less than five days, then within such less time

Except as provided in the next succeeding section such objection shall be heard and disposed of by the Chairman or Vice Chairman

177. If the objection shall allege that the cost of executing the work or of doing the thing required will exceed three hundred rupees, such objection shall be heard and disposed of by the Commissioners at a meeting, unless the Chairman or Vice Chairman shall certify that such cost will not exceed three hundred rupees, in which case the objection shall be heard and disposed of by the Chairman or Vice Chairman

Provided that in any case in which the Chairman or Vice Chairman shall have certified his opinion as aforesaid, and the objection shall in consequence thereof have been heard and disposed of by the Chairman or Vice Chairman, the person making the objection may, if the requisition made upon him is not withdrawn on the hearing of his objection, pay in the said sum of three hundred rupees to the Commissioners as the cost of executing the work or doing the thing required, whereupon such person shall be relieved of all further liability and obligation, in respect of executing the work or doing the thing required, and in respect of paying the expenses thereof, and the Commissioners themselves shall execute such work or do such thing, and shall exercise all powers necessary therefor

178. The Chairman or Vice Chairman, or the Commissioners at a meeting, as the case may be, shall, after hearing the objection and making an inquiry which they may deem necessary, record an order withdrawing modifying or making absolute the requisition against which the objection is preferred, and if such order does not withdraw the requisition it shall specify

Person required to execute any work may prefer objection to the Commission^{ers}

Procedure if person object^{ing} alleges that work will cost more than three hundred rupees

Chairman etc. may make order after hearing objection

the time within which the requisition shall be carried out, which shall not be less than the shortest time which might have been mentioned under this Act in the original requisition.

Order to be explained orally.

179. If the person making such objection be present at the office of the Commissioners, the said order shall be explained to him orally; and, if such order cannot be so explained, notice of such order shall be served as provided in section 356 on the person making the objection; and such explanation of, or service of, the notice of the said order shall be deemed a requisition duly made under this Act to execute the work or do the thing required.

Power of Commissioners on failure of person to execute work.

180. If the person or persons required to execute the work or to do the thing fail, within the time specified in any requisition as aforesaid, to begin to execute such work or to do such thing, and thereafter diligently to continue the same to the satisfaction of the Commissioners until it is completed, the Commissioners, or any person authorized by them in that behalf, may, after giving forty-eight hours' notice of their intention by a notification to be posted up on or near the spot, enter upon the land and perform all necessary acts for the execution of the work or doing of the thing required; and the expenses thereby incurred shall be paid by the owners or by the occupiers, if such requisition was addressed to the owners or to the occupiers respectively, and by the owners and the occupiers, if such requisition was addressed to the owners and the occupiers.

Commissioners may apportion expenses among owners.

181. Whenever any expenses incurred by the Commissioners are to be paid by the owners of any land as provided in the last preceding section, the Commissioners may, if there be more than one owner, apportion the said expenses among such of the owners as are known in such manner as to the Commissioners may seem fit.

And whenever any such expenses are to be paid by the occupiers of any land, as provided in the last preceding section, the Commissioners may, if there be more than one occupier, apportion the said expenses among such of the occupiers as are known in such manner as to the Commissioners may seem fit.

Apportionment among owners and occupiers.

182. Whenever any expenses incurred by the Commissioners are to be paid by the owners and occupiers of any land, as provided in section 180, the Commissioners may apportion the said expenses among the said owners and occupiers or such of them as are known in such manner as to the Commissioners may seem fit.

Occupier may recover cost of works executed at his expense from owner.

183. Whenever any works or any alterations and improvements of which the Commissioners are authorized by this Part or Part VI to require the execution are executed by the occupier on the requisition of the Commissioners, or are executed by the Commissioners, and the cost thereof is recovered from the occupier, the cost thereof may, if the Commissioners shall certify that such cost ought to be borne by the owner, be deducted by such occupier from the next and following payments of his rent due or

becoming due to such owner, or may be recovered by him in any Court of competent jurisdiction

184. Any owner or occupier of land may contest his liability to pay any expenses or fees under this Part or Part VI, or may contest the amount which he has been called upon to pay in a Civil Court of competent jurisdiction

Liability to pay expenses of fees may be contested in Civil Court

Provided that the fact of such action having been instituted shall be no bar to the recovery of the said amount, in the manner provided by section 360

185. Where any damages or compensation, other than compensation payable under section 35, are by this Act directed to be paid by the Commissioners, the amount, and, if necessary, the apportionment of the same shall, in case of dispute, be ascertained and determined by a Civil Court of competent jurisdiction

Damages and compensation how to be determined.

Of Sewage, Offensive Matter, Rubbish, Privies and Drains

186. The Commissioners shall provide all establishments, cattle, carts and implements required ¹[by them] for the removal of sewage, offensive matter and rubbish

Establishments for removal of sewage, offensive matter and rubbish

187. The Commissioners at a meeting may, from time to time, by an order published as prescribed in section 354, appoint the hours within which it shall be lawful to remove ²[sewage and] offensive matter and the manner in which the same shall be removed, and may provide places convenient for the deposit thereof, and may require the occupiers of houses to cause the same to be deposited daily, or at other stated intervals, in such places, and may remove the same at the expense of the occupier from any house if the occupier thereof fails to do so in accordance with this Act

Hours and mode of removal of offensive matter

188. Whenever such order shall have been published, no melter or other servant of the Commissioners employed to remove or deal with sewage, offensive matter or rubbish shall withdraw from his duties without the permission of the Commissioners, unless he has given notice in writing not less than one month previously of his intention so to withdraw

Melters must give one month's notice if they leave the service of the Commissioners

Any melter or other such person who, after the said publication, withdraws from his duties without giving such notice as aforesaid shall be liable to rigorous imprisonment for a term not exceeding one month, and shall forfeit all salary which may be due to him

189. The Commissioners at a meeting may, from time to time by an order published as prescribed in section 354, appoint the hours within which only every occupier of any house or land may place rubbish on the public road

Commissioners may appoint hours for placing

¹ The words "by them" in s. 186, were inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 53 post

² The words "sewage and" in s. 187, were inserted by the same Act s. 54, post

rubbish on
public road.

adjacent to his house or land in order that such rubbish may be removed by the Commissioners, and the Commissioners may charge such fees as they may think fit in respect of the removal of such rubbish, with the consent of the occupier of any house or land, from such house or land, or in respect of the removal from such public road of any rubbish which has accumulated in the exercise of a trade or business.

Drains,
privies and
cess-pools
under control
of Commis-
sioners.
Inspection
of drains,
privies and
cess-pools.

190. All drains, privies and cess-pools shall be subject to the inspection and control of the Commissioners.

191. The Commissioners, or any officer authorized by them in that behalf, may inspect all privies, drains and cess-pools at any time between sunrise and sunset, after six hours' notice in writing to the occupier of any premises in which such privies, drains or cess-pools, are situated, and may, if necessary, cause the ground to be opened where they or he may think fit for the purpose of preventing or removing any nuisance arising from such privies, drains or cess-pools; and the expenses thereby incurred shall be paid by the owner or occupier of such premises.

Commis-
sioners may
direct the use
of disinfect-
ants or deo-
dorants for
such drains,
privies, etc.,
as are in a
noxious state.

192. Whenever the Commissioners are satisfied that the existence of such privy, drain or cess-pool is attended with risk of disease to the inhabitants of the neighbourhood, they may direct the use of such disinfectants or deodorants as they shall specify in such privy, drain or cess-pool, in such quantities or for such time as they shall think fit. The Commissioners shall, if necessary, themselves supply such disinfectants or deodorants for such use at cost price, and the expense thereby incurred shall be considered as an arrear of tax, and be recoverable as such from the owner of such privy, drain or cess-pool; or the Commissioners may, if they think fit, order that such expense shall be paid from the municipal fund.

Common
privies.

193. The Commissioners may provide and maintain, in sufficient numbers and in proper situations, common privies and urinals for the separate use of each sex, and shall cause the same to be kept in proper order and to be properly cleansed.

Licensing
of public
necessaries.
Power to
require
owners to
clear noxious
vegetation
and to im-
prove bad
drainage.

194. The Commissioners may license such necessities for public accommodation as they from time to time may think proper.

195. Whenever any land being private property, or within any private enclosure, appears to the Commissioners, by reason of thick or noxious vegetation or jungle, or inequalities of surface, to afford facilities for the commission of a nuisance, or by want of drainage to be in a state injurious to health or offensive to the neighbourhood, the Commissioners may require the owners or occupiers, or the owners and occupiers, of such land, within fifteen days, to clear and remove such vegetation, or level such surface or drain such land:

Provided that, if for the purpose of effecting any drainage under this section, it shall be necessary to acquire any land not being the property of the

person who is required to drain his land, or to pay compensation to any other person, the Commissioners shall provide such land and pay such compensation.

196. All sewage, rubbish and offensive matter collected by the Commissioners from roads, privies, sewers, cess pools and other places shall be the property of the Commissioners, who shall have power to sell or otherwise dispose of the same, and the money arising from the sale thereof shall be carried to the credit of the municipal fund

All rubbish collected to be the property of Municipal Commissioners

197. All existing public sewers, drains and other conservancy works shall be under the direction and control of the Commissioners, who shall have power to construct any further works of that nature which they may consider necessary

Sewers drains etc under control of the Commissioners

Of Bathing and Washing Places and Tanks

198. All streams, channels, water courses tanks, reservoirs, springs and wells, not being private property, shall, for the purposes of this Act, be under the direction and control of the Commissioners

All public streams etc, to be under direction and control of the Commissioners

199. The Commissioners may, by order published at such places as they may think fit, set apart convenient ¹[wells] tanks ² parts of rivers, streams or channels, not being private property, for the supply of water for drinking and for culinary purposes and may prohibit therein all bathing, washing of clothes and animals, or other acts calculated to pollute the water set apart for the purposes aforesaid,

Commissioners may make provision for drinking water bathing places etc

and may similarly set apart a sufficient number of the same for the purpose of bathing,

and a sufficient number for washing animals and clothes or for any other purpose connected with the health cleanliness or comfort of the inhabitants

³[The Commissioners may, by an order published at such places as they may think fit prohibit in the private portion of any stream or channel used as a part of the public water supply bathing, washing of clothes or animals or any act likely to pollute the water in the public portion of such stream or channel]

⁴199A. If the Chief Civil Medical Officer of the District certifies that the water in any well, tank or other place situated within a municipality is likely, if used for drinking to engender or cause the spread of any dangerous disease, the Commissioners may, by public notice, prohibit the removal or use of such water for drinking during a period to be specified in such order

Prohibition by Commissioners of use of unwholesome water

¹ The word, 'wells' in s. 199, was inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894) s. 53, post

² Sic Insert or

³ This paragraph in square brackets was substituted for the original paragraph by the Bengal Municipal (Amendment) Act 1894 (Ben. Act IV of 1894) s. 53, post

⁴ S. 199A was inserted by the same Act, s. 53, post

Power to require unwholesome tanks or private premises to be cleansed or drained.

¹ 200. (1) The Commissioners may require the owner or occupier of any land within eight days, or such longer period as the Commissioners may fix, either to re-excavate or fill up with suitable material, at his option, or to cleanse any well, water-course, private tank or pool therein, and to drain off and remove any waste or stagnant water which may appear to be injurious to health or offensive to the neighbourhood :

Provided that if, for the purpose of affecting any drainage under this section, it shall be necessary to acquire any land not being the property of the person who is required to drain his land or to pay compensation to any other person, the Commissioners shall provide such land and pay such compensation.

(2) If under section 180 the Commissioners execute the work of such re-excavation or filling up with suitable material, they may retain possession of the tank or pool, or the site of such tank or pool, and turn the same to profitable account until the expenses thereby incurred shall have been realized.

Commissioners may retain possession of tank or pool until expenses for re-excavation, etc., are realized.

Of Obstructions and Encroachments on Roads.

201. The Commissioners may close temporarily any road or part of a road for the purpose of repairing such road, or for the purpose of constructing any sewer, drain, culvert or bridge, or for any other public purpose :

Provided that the Commissioners so closing any road shall be bound to provide reasonable means of access for persons occupying holdings adjacent to such road :

Whenever, owing to such repairs or constructions, or from any other cause, any road or part of a road shall be in a state which is dangerous to passengers, the Commissioners shall cause sufficient barriers or fences to be erected for the security of life and property, and shall cause such barriers or fences to be sufficiently lighted from sunset to sunrise.

202. The Commissioners may issue a notice requiring any person to remove any wall which he may have built, or any fence, rail, post or other obstruction or encroachment, which he may have erected in or on any road or open drain, sewer or aqueduct, after the date on which the District Municipal Improvement Act, 1864,² or the District Towns Act, 1868,² or the Bengal Ben. Act I of 1864. Ben. Act V of 1868. Ben. Act V of 1876. Municipal Act, 1876,² as the case may be, took effect in the municipality ; or, in case none of the said Acts was in force in the municipality before the commencement of this Act, then after the date on which this Act may have been extended thereto ; and if such person shall fail to comply with such requisition within eight days of the receipt of the same, the Magistrate may on the application of the Commissioners, order that such obstruction or encroachment be removed ; and thereupon the Commissioners may remove

Removal of future obstructions or encroachments in or on road.

¹ This section was substituted for the original s. 200 by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 57, *post*.

² Ben. Acts III of 1864 and VI of 1868 were repealed by the Bengal Municipal Act, 1876 (Ben. Act V of 1876), and the latter Act has been repealed by s. 2 of the present Act wherever this Act is in force.

any such obstruction or encroachment, and the expenses thereby incurred shall be paid by the person who erected the same

No person shall be entitled to compensation in respect of the removal of any wall, fence, rail, post or other obstruction under this section

203. If the person who built or erected the said wall, fence, rail, post or other obstruction or encroachment is not known or cannot be found the Commissioners may cause a notice to be posted up in the neighbourhood of the said wall, fence, rail, post or other obstruction or encroachment, requiring any person interested in the same to remove it, and it shall not be necessary to name any person in such requisition, and, if the said wall fence rail post or other obstruction or encroachment be not removed in compliance with the requisition contained in such notice within eight days of the posting up of the same, the Magistrate may, on the application of the Commissioners, order that such obstruction or encroachment be removed, and thereupon the Commissioners may remove any such obstruction or encroachment and may recover the cost of such removal by sale of the materials so removed

Procedure when person who erected obstruction cannot be found.

The surplus sale proceeds (if any) shall be credited to the municipal fund, and may be paid on demand to any person who establishes his right to the satisfaction of the Commissioners or in a Court of competent jurisdiction

204. The Commissioners may give notice in writing to the owner or occupier of any house requiring him to remove or alter any projection encroachment or obstruction erected or placed against or in front of such house which may have been so erected or placed after the date on which the District Municipal Improvement Act, 1864¹ or the District Towns Act, 1868,¹ or the Bengal Municipal Act, 1876,¹ as the case may be, took effect in the municipality, or, in case none of the said Acts was in force in the municipality before the commencement of this Act, then after the date on which this Act may have been extended thereto if the same overhangs the road or puts into, or in any way projects or encroaches upon or is an obstruction to the safe and convenient passage along any road,

Projections from houses erected in future to be removed

or obstructs or projects, or encroaches into or upon any aqueduct, drain or sewer in such road

And, if such owner or occupier shall fail to comply with such requisition within eight days of the receipt of the same, the Magistrate may, on the application of the Commissioners, order that such projection, encroachment or obstruction be removed or altered, and thereupon the Commissioners may remove or alter such projection encroachment or obstruction, and the expenses thereby incurred shall be paid by the owner or occupier so making default

No person shall be entitled to compensation in respect of the removal of any projection, obstruction or encroachment under this section

¹ Ben. Acts III of 1864 and VI of 1868 were repealed by the Bengal Municipal Act 1876 (Ben. Act V of 1876) and the latter Act has been repealed by s. 2 of the present Act where ever this Act is in force

Effect of order made under sections 202, 203, 204 or 233.

205. Every order made by the Magistrate under sections 202, 203, 204, or 233 shall be deemed to be an order made by him in the discharge of his judicial duty, and the Commissioners shall be deemed to be persons bound to execute such orders of a Magistrate within the meaning of Act 18 of 1850 (*for the protection of Judicial Officers*).¹

Houses projecting beyond line of road or drain, when taken down to be set back.

206. Whenever any house, part of which projects beyond the regular line of a road or drain, or beyond the front of the house on either side thereof, shall be burnt down or otherwise destroyed, or shall be taken down in order to be re-built or repaired, the Commissioners may require the same to be set back, to, or beyond, the line of the road or drain, or the line of the adjoining house, and may pay reasonable compensation to the owner of such house if any damage shall be thereby sustained.

Fallen house, etc., obstructing road or drain to be removed by owner.

207. Whenever any private house, wall or other erection, or any tree, shall fall down and obstruct any public drain or encumber any public highway, the Commissioners may remove such obstruction or incumbrance at the expense of the owner of the same, or may require him to remove the same within such time as to the Commissioners shall seem fit.

Commissioners may require landholders to trim hedges, etc.

208. The Commissioners may require the owner or occupier of any land within three days to trim or prune the hedges thereon bordering on any road, and to cut and trim any trees thereon overhanging any road or tank, or any well used for drinking purposes, or obstructing any road or causing, or likely to cause, damage to any road or any property of the Commissioners, or likely to cause damage to any person using any road, or fouling or likely to foul the water of any well or tank.

Of General Conservancy and Improvement.

Wells, tanks, etc., to be secured.

209. If any well, tank or other excavation, whether on public or private ground, be, for want of sufficient repairs or protection, dangerous to passengers, the Commissioners shall forthwith, if it appears to them to be necessary, cause a temporary hoard or fence to be put up for the protection of passengers, and may require the owners or occupiers, or the owners and occupiers of the land on which such tank, well or other excavation is situated, within seven days properly to secure or protect such well, tank or other excavation.

Fencing of buildings in a dangerous state.

210. If any building, or portion of a building, or structure affixed to a building, be deemed by the Commissioners to be in a ruinous state and dangerous to the inmates, if any, of such building or of any other building or to passers-by, or if any wall or other structure be deemed by the Commis-

¹ The Judicial Officers' Protection Act, 1850. Genl. Acts, Vol. I.

² This section was substituted for the original s. 208 by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 58, *post*. The original s. 208 ran thus:—

"The Commissioners may require the owner or occupier of any land within three days to trim or prune the hedges bordering on any road, and to cut and trim any trees overhanging any road and obstructing the same or causing damage thereto."

³ This section was substituted for the original s. 210 by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 59, *post*.

sioners to be in a ruinous state and dangerous to passers-by or to any other persons, they shall forthwith, if it appears to them necessary, cause a proper board or fence to be put up for the protection of passers-by or of other persons who may be endangered, and may require the owner or occupier of the building or the owner or occupier of the land to which such building, wall or other structure is affixed, within seven days, to take down, secure or repair such building, wall or other structure, as the case may require

210A. Whenever it appears to the Commissioners that any building by reason of being unsecured and untenanted, or by reason of having fallen into ruins, affords facilities for the commission of a nuisance or for the harbouring of snakes or other noxious animals, the Commissioners may require the owner of such building or the owner of the land to which such building is attached, to properly secure the same, or to remove or level such ruins as the case may require

Commissioners may require owners to pull down ruins

211. If the Commissioners shall have caused any repairs to be made to any house or other structure, and if such house or other structure be occupied, the Commissioners may enter upon possession of the same, and may retain possession thereof until the sum expended by them on the repairs be paid to them

Power to enter upon possession of houses so repaired

212. The materials of anything which shall have been pulled down or removed under the provisions of sections 175 and 210 may be sold by the Commissioners, and the proceeds of such sale may be applied, so far as the same will extend, to the payment of the expenses incurred

Sale of materials of houses etc., pulled down.

The surplus sale proceeds (if any) shall be credited to the municipal fund, and may be paid on demand to any person who establishes his right to the satisfaction of the Commissioners or in a Court of competent jurisdiction

213. The Commissioners may, by published order, appoint from time to time certain periods within which any dogs without collars or other marks distinguishing them as private property, found straying in the roads or beyond the enclosures of the houses of the owners of such dogs, may be destroyed, and such dogs may be destroyed in accordance with such order

Stray dogs to be killed at certain appointed periods

214. The Commissioners at a meeting may offer rewards for the destruction of noxious animals within the limits of a municipality

Commissioners may offer rewards for destruction of noxious animals.

215. The Commissioners at a meeting may cause a name to be given to any road and to be affixed in such place as they may think fit, and may also cause a number to be affixed to every house, and in like manner may, from time to time, cause such names and numbers to be altered

Names of roads and numbers of houses.

¹ 210A was inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894) s. 60 post

* The figures and word 175 and in s. 212, were inserted by the same Act s. 61, post

Penalties.

216. Any person who, in any municipality,—

- (1) places or allows his servants to place rubbish on a public road at other than the times appointed by the Commissioners under the provisions of section 189 ; or
- (2) destroys, pulls down, defaces or alters any name or number put up by the Commissioners under the authority of section 215,

shall, for every such offence, be liable to a penalty not exceeding twenty rupees.

217. Any person who, in any municipality,—

- (1) being the occupier of a house in or near a public road, keeps, or allows to be kept, for more than twenty-four hours, or for more than such shorter time as may be prescribed by a by-law, otherwise than in some proper receptacle any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter, in or upon such house, or in any out-house, yard or ground attached to and occupied with such house, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse the same ; or
- (2) keeps any public necessary without a license from the Commissioners under section 194, or, having a license for a public necessary, suffers such necessary to be in a filthy or noxious state, or neglects to employ proper means for cleansing the same ; or
- (3) being the owner or occupier of any private drain, privy or cess-pool, neglects or refuses, after warning from the Commissioners, to keep the same in a proper state ; or
- (4) disobeys an order passed by the Commissioners under the provisions of section 199 ¹ [or 199A] ; or
- (5) encroaches upon any road, drain, sewer, aqueduct or watercourse by making any excavation, or by erecting any wall, fence, rail, post or other obstruction,

shall, for every such offence, be liable to a penalty not exceeding fifty rupees.

218. Whoever, being an owner or occupier of any house or land within a municipality, fails to comply with a requisition issued by the Commissioners under the provisions of sections 202, 204,² [206, 207] or 208, shall be liable, for every such default, to a penalty not exceeding fifty rupees, and to a further penalty, not exceeding ten rupees, for every day during which the default is continued after the expiration of eight days from the date of service on him of such requisition.

¹ The word and figures "or 199A," in s. 217 (4), were inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 62, *post*.

² The figures "206, 207" in s. 218, were inserted by the same Act, s. 63, *post*

Offences
under sec-
tions 189
and 215.

Occupier not
removing
filth, etc.

Keeping un-
licensed pub-
lic necessary.

Not keeping
private drain,
etc., in pro-
per order.

Disobeying
order under
section 199
or 199A.
Erecting ob-
struction.

Disobeying
requisition
under
section 202,
204, 206,
207 or 208.

219. Whoever, being an owner or occupier of any house-land within a municipality fails to comply with any requisition issued by the Commissioners under the provisions of sections 195, 200, 209, ¹[210 or 210A] shall be liable, for every such default, to a penalty not exceeding one hundred rupees and to a further penalty, not exceeding twenty rupees, for every day during which the default is continued after the expiration of eight days from the date of service on him of such requisition

Disobeying requisition under sections 195, 200, 209, 210 or 210A

PART VI

OF SPECIAL REGULATIONS

220. No provision contained in this Part, or in Parts VII, VIII, IX or X shall apply to any municipality, unless and until it has been expressly extended thereto by the Local Government ² in the manner provided by the next succeeding section

Operation of Parts VI, VII, VIII, IX and X.

³ [Provided that, except as is otherwise provided by this Act, in the case of any municipality to which all the provisions of any one of the Parts VII, VIII or IX of the Bengal Municipal Act, 1876, ⁴ may have been extended, and provided that such provisions were still in force in such municipality immediately before the commencement of this Act, all the provisions of the corresponding Part of this Act, namely of Parts VI, XI or X, respectively, shall be, and shall be deemed to have always been, in force in such municipality without such provisions being expressly extended thereto]

Saving clause

221. The Commissioners may apply, in pursuance of a resolution passed at a meeting specially convened to consider the question, to the Local Government, ⁵ to extend to the municipality all or any of the provisions of this Part, or of Parts VII, VIII, IX or X, or to exclude from the operation of the said provisions, or any of them, any place within the municipality

Local Government may order the provisions of the said Parts to be in force

And the Local Government ² may thereupon make an order accordingly

222. Every such order shall be published in the Calcutta Gazette, ⁶ and the Commissioners shall, within fifteen days of such publication, cause a copy of the same, with a translation thereof into the vernacular of the district to be

Publication of order

¹ The original reference here was to s. 210. A reference to s. 210A was inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894) s. 64 *post*. The figures 210 or 210A were substituted by the Amending Act 1897 (V of 1897) Sch. II—*see ante*.

² In Assam the Chief Commissioner—*see* the Bengal Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912) s. 3 and Sch. D, Pt. III.

³ This proviso in square brackets was added to s. 220 by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894) s. 65 *post*.

⁴ The Bengal Municipal Act, 1876 (Ben. Act V of 1876) has been repealed by s. 2 of the present Act, wherever this Act is in force.

⁵ In Assam, the Assam Gazette—*see* the Bengal Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912) s. 3 and Sch. D, Pt. III, *ante*.

posted up at their office, with a notice of the date on which such order shall take effect, and shall cause the same to be published as prescribed in section 354.

And the said provisions shall come into force in the municipality from the date so fixed :

Provided that the date so fixed shall not be less than fifteen days after the publication under the said section, or more than three months after the publication of the order of the Local Government¹ as aforesaid in the Calcutta Gazette.²

Local Government may cancel or modify order.

223. The Local Government,¹ on a similar application made by the Commissioners, may, at any time, cancel or modify an order made under section 221, and such cancellation or modification shall be published and shall take effect in the manner prescribed by the last preceding section.

³ *Of a Survey.*

Survey of a municipality.

³ 223A. The Commissioners at a meeting may order that a survey shall be made of the lands situated in the municipality, and thereupon all the provisions of the Calcutta Survey Act, 1887,⁴ shall, so far as may be practicable, apply and be extended to such municipality. Ben. Act of 1887.

Of Privies, Drains and Excavations.

Commissioners may require owner or occupier to repair drain, etc.

224. The Commissioners may require the owners or occupiers, or the owners and occupiers of any land, within fifteen days, to repair and make efficient any drain, privy or cess-pool, or to remove any privy or close any cess-pool which is situated on such land.

Privies must be properly enclosed.

225. Every person constructing a privy shall have such privy shut out by a sufficient roof and wall or fence from the view of persons passing by, or residing in, the neighbourhood : and the Commissioners may require any owner or occupier of land on which a privy stands to cause the same to be shut out from view as aforesaid within fifteen days.

Unauthorized drains leading into public sewers may be demolished.

226. If any person, without the written consent of the Commissioners first obtained, makes or causes to be made, or alters, or causes to be altered any drain leading into any of the sewers or drains vested in the Commissioners, the Commissioners may cause such branch drain to be demolished, altered, remade or otherwise dealt with as they shall think fit ; and the expenses thereby incurred shall be paid by the person making or altering such branch drain.

Commissioners may require owner to drain land.

227. If any land, being within one hundred feet of a sewer, drain or other outlet into which such land may, in the opinion of the Commissioners, be

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III, *ante*.

² In Assam, the Assam Gazette—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III, *ante*.

³ This heading and s. 223A were inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 66, *post*.

⁴ Ben. Act I of 1887. Printed *post*.

drained, is not drained to the satisfaction of the Commissioners, the Commissioners may require the owner, within one month, to drain the said land into such sewer, drain or outlet

228. If it appear to the Commissioners that a group or block of houses may be drained or improved more economically or advantageously in combination than separately, and a sewer, drain or other outlet already exists within one hundred feet of any part of such group or block of houses, the Commissioners may cause such group or block of houses to be so drained and improved, Group or block of houses etc, may be drained by a combined operation

and the expenses thereby incurred shall be recovered from the owners of such houses in such proportions as shall to the Commissioners seem fit

229. If any branch drain, privy or cess pool be constructed contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this Act, or if any person, without the consent of the Commissioners, constructs, re-builds or unstops any branch drain, privy or cess pool which has been ordered by them to be demolished or stopped up, or not to be made, the Commissioners may cause such amendment or alteration to be made in any such drain, privy or cess pool as they think fit, or may cause the same to be removed, Commissioners may alter any drain, etc made contrary to their orders.

and the expenses thereby incurred shall be paid by the person by whom such drain, privy or cess pool was improperly constructed, re-built or unstopped

230. No person shall, without the written permission of the Commissioners construct or keep any latrine, urinal, cess pool, house drain or other receptacle for sewage or other offensive matter within fifty feet of any public tank or water course, or a tank or water course which the inhabitants of any locality use No latrine etc, to be constructed within fifty feet of tank or water course

The Commissioners may require any owner and occupier upon whose land any latrine, urinal, cess pool, house drain or other receptacle so situated exist or may hereafter be constructed to remove the same within eight days

231. No person shall, without the written permission of the Commissioners construct a privy with a door or trap door opening on to any road or drain The Commissioners may require any owner or occupier upon whose land any such privy exists to remove the same within eight days Construction of privy

232. The Commissioners at a meeting may, by a general order, prohibit the making of excavations for the purpose of taking earth or stone therefrom, or for the purpose of storing rubbish or offensive matter therein, and the digging of cess pools, tanks or pits without special permission previously obtained from them Power to prohibit excavations.

If any such excavation, cess pool, tank or pit is made after the issue and publication of such order without such special permission, the Commissioners may require the owners and occupiers of the land on which such excavation, cess-pool tank or pit is made, within two weeks, to fill up such excavation

Of Obstructions and Encroachments on Roads.

Removal of
existing
projection
from houses.

233. The Commissioners at a meeting may determine on the removal or alteration, as they shall think fit, of any projection, encroachment or obstruction which may have been erected or placed against, or in front of, any house on any road within the limits of the municipality before the date on which the District Municipal Act, 1864,¹ or the District Towns Act, 1868,¹ or the Bengal Municipal Act, 1876,¹ as the case may be, came into force in the municipality, or in case none of the said Acts was in force in the municipality before the commencement of this Act, then before the date on which this Act may have been extended thereto.

Ben. Act
of 1864.
Ben. Act
of 1868.
Ben. Act
1876.

Notice in writing shall be given to the owner or occupier of such house requiring him to remove or alter the said projection, encroachment or obstruction, or to show cause before the Commissioners why he should not be required so to do; and, if such owner or occupier shall fail to comply with such requisition within thirty days of the receipt of the same, or if after such owner or occupier shall have shown cause against being required to remove or alter the said projection, encroachment or obstruction, the Commissioners shall make an absolute order directing such removal or alteration; and, if such owner or occupier shall fail to comply with such order within fifteen days of the date of the same, the Magistrate may, on the application of the Commissioners, order such projection, encroachment or obstruction to be removed or altered; and thereupon the Commissioners may remove or alter such projection, encroachment or obstruction.

The Commissioners shall make reasonable compensation to every person who suffers damage by any removal or alteration under this section.

In determining the amount of compensation, the value of the land shall not be taken into consideration.

Leave to
deposit mate-
rials on, or to
excavate or
close, a road.

234. The Commissioners may grant permission to any person, for such period as they may think fit, to deposit any moveable property on any road, or to make an excavation in any road, or to enclose the whole or any part of any road, and may charge such fees as they may fix for such permission:

Provided that such person undertakes to make due provision for the passage of the public, and to erect sufficient fences to protect the public from injury, danger or annoyance, and to light such fences from sunset to sunrise sufficiently for such purpose.

Hoards to be
set up during
repairs.

235. Every person intending to build or take down any house, or to alter or repair the outward part of any house, shall, if any public road will be obstructed or rendered inconvenient by means of such work, before beginning the same, cause sufficient hoards or fences to be put up in order to separate the house where such works are being carried on from the road, and shall keep such hoard or fence standing and in good condition, to the satisfaction of

¹ Ben. Acts III of 1864 and VI of 1868 were repealed by the Bengal Municipal Act, 1876 (Ben. Act V of 1876), and the latter Act has been repealed by s. 2 of the present Act, wherever this Act is in force.

the Commissioners, during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night

Provided that no person shall put up a hoard or fence without the written permission of the Commissioners, nor shall he keep up the said hoard or fence for a time longer than allowed in the said written permission

Of Building Regulations

236. The Commissioners at a meeting may,¹ [by an order published in the manner prescribed in section 354], direct that within certain limits, to be fixed by them, the external roofs and walls of huts or other buildings which may thereafter be erected, or the roofs or walls of which may thereafter be renewed or repaired, shall not be made of grass, leaves, mats or other inflammable materials

Roofs and external walls not to be made of inflammable materials

237. (1) Every person who intends to erect or re-erect any house, not being a hut, shall give notice in writing of his intention to the Commissioners and shall accompany such notice with a general description of the building which he intends to erect, and of the provision he intends to make in respect of drainage and latrine accommodation, and the Commissioners may, within six weeks after the receipt of such notice, either refuse to sanction the said building or may sanction the said building either absolutely or subject to any written directions which the Commissioners may deem fit to issue in accordance with the rules if any, made under section 241

Notice of erecting a house not being a hut

Provided that the Commissioners shall make full compensation to the owner for any damage which he may sustain in consequence of the prohibition of the re-erection of any house, or of their requiring any land belonging to him to be added to the street

(2) Any person giving notice to the Commissioners under this section shall, if required to do so by any rule, forward with his notice a plan and specification of the house not being a hut which he intends to erect or re-erect, together with a site-plan of the land, of such character and with such details as the rule may require, and no notice under this section shall be valid until such plans and specification have been supplied

238. (1) Should any person commence to erect or re-erect such house not being a hut, without giving notice, or without submitting such plans and specification as aforesaid² [or without waiting for the orders of the Commissioners for six weeks from the date of his giving notice in writing under section 237] or in contravention of any legal order of the Commissioners issued within six weeks of receipt of a valid notice under the last preceding

Commissioners may order a house not being a hut erected without notice etc., to be altered or demolished

¹ The words and figures in square brackets in s. 236 were inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 67, post

² The ss. 237 to 241 here printed were substituted for the original ss. 237 to 241 by the same Act, s. 64, post

³ The words and figures in square brackets in s. 238 were inserted by the Bengal Municipal (Amendment) Act, 1896 (Ben. Act II of 1896), s. 12, post

section, the Commissioners may, by notice to be delivered within fifteen days, require the building to be altered or demolished, as they may deem necessary.

(2) Should the Commissioners neglect or omit for six weeks after the receipt of a valid notice under the last preceding section to make and deliver to the person who has given such notice any order in respect thereof, they shall be deemed to have sanctioned the proposed house absolutely :

Provided that no rule under section 241 and no legal order shall be held to have been contravened by anything done in accordance with plans and specifications forwarded to the Commissioners under section 237 and not objected to by them.

¹ 239. Every sanction for the erection or re-erection of any house, not being a hut, which shall be given or deemed to be given by the Commissioners shall be available for one year from the date on which the notice shall have become valid and complete, and no longer ; and should the house so sanctioned not have been begun by the person who has obtained such sanction, or some one lawfully claiming under him within such year, it shall not be begun without fresh sanction, but such person as aforesaid may, at any subsequent time, give fresh notice to the Commissioners in the manner hereinbefore prescribed, and thereupon the provisions hereinbefore contained shall apply to such notice.

Sanction available for one year only.

Definition of expression "erect or re-erect any house, not being a hut."

¹ 240. The expression "erect or re-erect any house, not being a hut," as used in the two last preceding sections, includes—

- (a) any material alteration or enlargement of any building ;
- (b) such alterations of the internal arrangements of a house as effect an alteration of its drainage or sanitary arrangements, or affect its stability.

Power of the Commissioners to make rules as to mode of construction of houses not being huts.

¹ 241. (1) The Commissioners at a meeting may from time to time make, repeal or alter rules to regulate the erection or re-erection of houses, not being huts, within the municipality in respect of all or any of the following matters :—

- (a) the materials and method of construction to be used for external and party walls, roofs, floors, fire-places and chimneys ;
- (b) the provision, position and ventilation of drains, privies and cess-pools ;
- (c) the free passage or way in front of the house ;
- (d) the space to be left about the house to secure free circulation of air and facilitate scavenging, and for the prevention of fire ;
- (e) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on ;

¹ Ss. 239, 240 and 241 are new—see foot-note to s. 237, *ante*.

- (f) the level and width of the foundation, the level of the lowest floor, and the stability of the structure,
- (g) the number and height of the storeys of which the house may consist,
- (h) the means to be provided for egress from the house in case of fire;
- (i) the line of frontage with neighbouring houses if the house abuts on a street

(2) Rules under this section, not inconsistent with the Act, shall be subject to the sanction of the Local Government,¹ and shall, if sanctioned, be published in such manner as the Local Government¹ may direct, and shall have the force of law

(3) If, in and during the erection or re-erection of any house, any rule under this section is contravened, the Commissioners may, by notice to be delivered within fifteen days, require the building to be altered, or, if necessary, demolished, within the space of thirty days, so as to secure conformity to such rule

(4) This section shall not take effect in a municipality until it has been specially extended thereto by the Local Government² at the request of the Commissioners at a meeting

² 242. The Commissioners may prohibit the owner of any house, not being a hut, from letting it for occupation, if in their opinion it is unstable, or if the drainage or latrine accommodation of such house is in their opinion defective until its stability shall have been secured or, such defects in drainage or latrine accommodation shall have been made good to their satisfaction

Commissioners may prohibit letting of unstable or ill-drained house

³ 242A. (1) Any person aggrieved—

- (a) by the prohibition by the Commissioners under section 237 of the erection or re-erection of a house, not being a hut, or
- (b) by a notice from the Commissioners under section 238 or sub-section (3) of section 241, requiring the alteration or demolition of a building, or
- (c) by any order made by the Commissioners under the powers conferred upon them by section 242,

Appeals from orders of Commissioners

may appeal within thirty days from the date of such prohibition, notice or order, to the Commissioners; and every such appeal shall be heard and determined by not less than three Commissioners, who shall be appointed in that behalf by the Commissioners at a meeting, and no such prohibition, notice or order shall be liable to be called in question otherwise than by such appeal.

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III

² This section was substituted for the original s. 242 by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 69, *post*

³ S. 242A was inserted by the same Act, s. 70, *post*

(2) The appellate authority may, for sufficient cause, extend the period allowed by sub-section (1) of this section for appeal.

(3) The order of the appellate authority confirming, setting aside or modifying the prohibition, notice or order appealed from shall be final:

Provided that the prohibition, notice or order shall not be modified or set aside until the appellant and the Commissioners have had reasonable opportunity of being heard.

Erection of new huts to be under the control of the Commissioners.

243. It shall not be lawful for any person to erect a hut or any range or block of huts or sheds, or to add any hut or shed to any range or block already existing, or to enlarge any existing hut without ¹[one month's] previous notice to the Commissioners; and the Commissioners may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of ¹[each line] and between ²[every two lines] of such width as they may think proper for ventilation and to facilitate scavengering, and with such number of privies, and with such means of drainage, as to them may seem necessary, and at such a level as will admit of such drainage, and with a plinth at least two feet above the level of the nearest street.

Power to direct removal of huts built without notice.

244. If any such huts or sheds be built without giving such notice to the Commissioners, or otherwise than as required by the Commissioners, the Commissioners may require the owners of the land on which such huts and sheds are built, and the occupiers of such huts and sheds, to take down and remove the same within one month, or to effect such alterations as they may deem necessary.

Of Sanitary Measures with regard to Blocks of Huts.

Power of Commissioners as to inspection of huts.

245. Whenever the Commissioners at a meeting are satisfied, from inspection, or by report of competent persons, that any existing block of huts within the municipality is, by reason of the manner in which the huts are constructed or crowded together, or of the want of drainage and the impracticability of scavengering, attended with risk of disease to the inhabitants of the neighbourhood, they may cause the locality to be inspected by two medical officers, who shall make a report in writing on the sanitary condition of the said block of huts, and shall specify, if necessary, in the said report, the huts which should be removed, the roads, drains and sewers which should be constructed, and the low lands which should be filled up, with a view to the removal of the said risk of disease.

On receipt of report, Commissioners may cause notice to be served.

246. On receipt of the said report, the Commissioners at a meeting may require the owners or occupiers of the huts, or, at the option of the Commissioners, the owner of the land on which such huts are built, to carry out and

¹ The words "one month's," and "each line" in s. 243, were inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 71, *post*.

² These words "every two lines," in s. 243, were substituted for the words "each line" by the same Act, s. 71, *post*.

execute, within a reasonable time to be fixed by the Commissioners for such purpose, all or any of the works specified in the aforesaid report or any portion thereof respectively, and, if such owner, owners or occupiers shall fail to comply with such requisition, the Commissioners themselves may execute all or any of such works

247. The Commissioners at a meeting may order that any expenses payable in respect of any work done by them in consequence of the failure of the owners or occupiers to execute such work when required to do so under the last preceding section shall be recovered by instalments from the person liable to pay the same, or, if it should appear to them that the said person is unable by reason of poverty to pay the same, may order the same, or any portion thereof, to be paid out of the municipal fund

Expenses may be recovered by instalments or remitted in case of poverty

248. If any of the said huts be pulled down, the Commissioners shall cause the materials of each hut to be sold separately, if such sale can be effected, and the proceeds shall be paid to the owner of the hut, or, if the owner be unknown, or the title disputed, shall be held in deposit by the Commissioners until the person interested therein shall obtain the order of a Civil Court of competent jurisdiction for the payment of the same

Sale of huts

Of the Regulation of the Sale of Food, Drink and Drugs

249. Every owner, or occupier or farmer, of any place for the sale of meat, poultry, fish or vegetables or of any slaughter house, within the limits of a municipality, shall cause such drains to be made therein as shall be considered sufficient by the Commissioners, and (if required so to do by the Commissioners) shall cause all the floors and drains to be paved with stone or burnt brick, and shall also cause a supply of water to be provided, sufficient for keeping such place or slaughter house in a clean and wholesome state

Markets, slaughter-houses, etc., to be properly drained

250. Any Magistrate on the application of the Commissioners or any of their officers setting forth that there is just cause to believe that any article which has been rendered or has become noxious or unfit for use as food or drink for man, is in the possession of any person for the purpose of being sold or offered or exposed for sale, within the limits of a municipality as food or drink for man, may grant a warrant to enter upon the premises of such person and to search for and seize such article

Sale of unwholesome food or drink

And if it appear to the said Magistrate that the same is noxious or unfit for such use, he shall order it to be forfeited and disposed of in such way as to him shall seem proper

251. No person shall sell to the prejudice of the purchaser any article of food which is not of the nature, substance or quality of the article demanded by such purchaser under a penalty not exceeding one hundred rupees.

Prohibition of the sale of articles of food not of the proper nature substance or quality

¹ This section was substituted for the original s. 251 by the Bengal Municipal (Amendment) Act, 1886 (Ben Act III of 1886) s. 2 post

Provided that an offence shall not be deemed to be committed under this section in the following cases, that is to say :—

- (1) where any matter or ingredient not injurious to health has been added to the food, because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food, or conceal the inferior quality, thereof ;
- (2) where the food is unavoidably mixed with some extraneous matter in the process of collection or preparation.

The term “ food ” shall include every article used for food or drink by man other than drugs or water.

In any prosecution under this section it shall be no defence to allege that the purchaser, having bought only for analysis, was not prejudiced by the sale.

¹ **251A.** No proceedings shall be instituted under the last preceding section without the order or consent of the Commissioners.

¹ **251B.** The Commissioners, or any person authorized by them in that behalf, may, at all reasonable times, enter into and inspect any market building, shop, stall or place used for the sale or storage of articles intended for food, or as a slaughter-house, and may examine any such articles which may be therein, and, if upon examination such articles, or any of them, appear to be unfit for food, may seize the same.

¹ **251C.** Upon the seizure of any article of food under the last preceding section, the same may, if the owner or the person in whose possession the same is found consents, be forthwith destroyed or so disposed of as to prevent it being used as food, but, if the owner or the person in whose possession the same is found do not consent, then, if it appear to a Magistrate upon sufficient evidence that the same is unfit for food, he shall order the same to be destroyed or so disposed of as to prevent it being used as food, and may impose a penalty not exceeding one hundred rupees upon the owner, or person in whose possession the same was found, such person not being merely a carrier or bailee thereof.

¹ **251D.** If the Commissioners, or any person authorized by them in that behalf, shall apply to purchase any article of food exposed to sale, and shall tender the price for a quantity not more than shall be reasonably requisite for the purpose of analysis, and the person exposing the same for sale shall

No proceedings to be had without leave of the Commissioners.

Power of Commissioners to enter and inspect markets, shops, etc., and to seize unwholesome articles exposed for sale.

Power to destroy unwholesome articles.

Person refusing to sell any article to Commissioners liable to penalty.

¹ Ss. 251A to 251D were inserted by the Bengal Municipal (Amendment) Act, 1886 (Ben. Act III of 1886), s. 3, *post*.

refuse to sell the same, such person shall be liable to a penalty not exceeding fifty rupees

252. No shop or place shall be kept for the retail sale of drugs recognized by the British Pharmacopœia, not being also articles of ordinary domestic consumption unless the same shall have been registered in the office of the Commissioners. Any keeper of such shop or place failing to register the same within two months after this section shall come into force, or within two months from the date of the establishment of such place shall be liable to a fine not exceeding one hundred rupees. The Commissioners shall, upon registration grant the keeper of such shop or place a licence which he shall be bound to display in some conspicuous part of his premises.

Registry of shops for sale of European drugs

No person shall compound, mix, prepare, dispense or sell any drug in any such registered shop or place unless he be duly certified as a fit person to be entrusted with such duties under rules made for that purpose by the Local Government.¹

Certificated dispensers

Provided that the provisions contained in the second clause of this section shall not come into operation until after the expiration of a period of six months from the publication of a notification to that effect in the Calcutta Gazette² by the Local Government.¹

Nothing in this section contained shall be construed to apply to the sale of drugs used by practitioners of indigenous medicines whether recognized by the British Pharmacopœia or not when such drugs are not sold in a shop or place where medicines recognized by such Pharmacopœia are dispensed upon prescription.

253. The Commissioners, or any person authorised by them in that behalf, may at all reasonable times enter into and inspect any place kept for the sale of drugs or in which drugs are sold and if they have reason to suspect that any drug in the said place is adulterated or by reason of age or the effect of climate has become inert or unwholesome or has otherwise become deteriorated in such a manner as to lessen its efficacy, to change its operation or to render it noxious may remove the same on giving a receipt therefor, specifying the nature and quantity of the drug removed and its approximate value, and if it appear to a Magistrate that the said drug removed as aforesaid is adulterated or has become inert, unwholesome or deteriorated, as aforesaid, he may order the same to be destroyed, or to be so disposed of as to him may seem fit.

Inspection of drugs

If it shall appear to the said Magistrate that the drug so removed is not adulterated or has not become inert, unwholesome or deteriorated as aforesaid, the person from whose shop or place it has been taken shall be entitled to have it restored to him and it shall be in the discretion of the

Compensation if drug be not adulterated

¹ In Assam the Chief Commissioner—see the Bengal Bihar and Orissa and Assam Laws Act 1912 (VII of 1912) s. 3 and Sch. D Pt III.

² In Assam the Assam Gazette—see the Bengal Bihar and Orissa and Assam Laws Act 1912 (VII of 1912) s. 3 and Sch. D Pt III. *ante*

said Magistrate to award him such compensation as he may think proper, not exceeding the actual loss which has been sustained.

If the drug removed as aforesaid is not brought before a Magistrate, it shall be restored to the person from whose shop or place it was taken, and such person shall be entitled to compensation for any actual loss which he may have sustained by the removal of the said drug.

Of Burial and Burning Grounds.

Registration of existing burial and burning grounds.

254. Within three months from the date on which this and the six next succeeding sections may come into force as provided in section 222, every place which is used as a burial or burning ground for corpses shall be registered as such by the owner thereof in the office of the Commissioners, but no fee shall be charged for such registry.

No new or disused burial or burning place henceforth to be used without leave of Government or of Commissioners. Commissioners may order certain burial or burning grounds to be closed.

255. No burial or burning ground, whether public or private, shall be made or formed, or, having lapsed into disuse, shall be again used as such, otherwise than with the permission of the Commissioners, or under the authority of the Local Government.¹

256. If it shall appear to the Commissioners at a meeting that any public or private burial or burning ground is dangerous to health or offensive to the tax-payers, or to the inhabitants of the neighbourhood, and also that a suitable place for interment or burning, as the case may be, exists within a convenient distance, and is open and available to the inhabitants of the municipality, the Commissioners shall give public notice of their intention to close such burial or burning ground, and shall consider any objections which may be preferred within fifteen days of the publication of such notice; after considering such objections, they may, by notification to be affixed on some conspicuous part of the ground, appoint a time, not being less than two months for the closing of such burial or burning ground.

If any building is attached to, and used in connection with, a burning ground closed under this section, the Commissioners shall, if the owner of such building make an application to them in that behalf, take over the same on payment of a fair price therefor.

Private burial places may be excepted.

² **256A.** When notice is given of the intention to close any burial ground under the last preceding section, private burial places in such burial grounds may be excepted from the notice, subject to such conditions as the Commissioners at a meeting may impose in this behalf:

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III.

² S. 256A was inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 72, *post*.

Provided that the limits of such burial places are defined, and that they shall only be used for the burial of members of the family of the owners thereof

¹ 256B. Any person aggrieved by any order made by the Commissioners under the powers conferred upon them by the two last preceding sections may appeal to the Magistrate, whose decision shall be final

Appeals from orders under sections 256 and 256A

257. After the expiration of the three months mentioned in section 254, no corpse shall be buried or burnt otherwise than in a place which is borne on the register of the Commissioners as an open burial or burning ground, but the Commissioners may grant special permission for a corpse to be buried or burnt elsewhere

Prohibition to bury or burn in unregistered ground

258. After the expiration of not less than twenty-four hours from the death of any person, the Commissioners may cause the corpse of such person to be buried or burnt, and the expenses thereby incurred shall be recoverable as a debt due from the estate of such person. In every such case the corpse shall be disposed of, so far as may be possible, in a manner consistent with the religious tenets of the deceased

Commissioners may cause corpses to be burnt or buried according to the religious tenets of the deceased

259. The Commissioners at a meeting may, from time to time, out of the municipal fund, with the sanction of the Local Government,² provide fitting places to be used as burial or burning grounds, and may impose a fee not exceeding two rupees in respect of every corpse buried or burnt within such burial or burning grounds

Commissioners may provide places to be used as burial or burning grounds

260. The Commissioners at a meeting may, from time to time, out of the municipal fund, provide for the burial and burning of paupers free of charge within the limits of the municipality

Commissioners may provide for burial of paupers free of charge

³ 260A. (1) The Commissioners may, from time to time, grant licenses to persons applying for the same, for the sale at burning grounds of fuel and other articles used for the cremation of dead bodies, and in case any such license shall be granted shall, at a meeting, prescribe a scale of rates for the sale of such articles, and any person not so licensed, who shall, within three hundred yards of any such burning ground, sell or offer for sale any such fuel or other articles, shall be liable to a fine not exceeding fifty rupees

Power to license fuel shops at burning grounds

(2) The Commissioners may, on good and sufficient cause, revoke or withdraw any such license they may think fit, and any person to whom any such license is granted, who shall charge for the sale of any such article any higher rate than the rate fixed for such article in such scale, shall, at the discretion of the Commissioners, be liable to have his license cancelled, and shall be liable also to a fine not exceeding ten rupees

¹ S. 256B was inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 72, post

² In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and *ibid.* D, Pt. III

³ S. 260A was inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 73, post

Of certain Offensive and Dangerous Trades or Occupations.

Certain
offensive and
dangerous
trades not to
be established
within limits
to be fixed
by the Com-
missioners
without
license.

261. Within such local limits as may be fixed by the Commissioners at a meeting, no place shall be used without a license from the Commissioners, which shall be renewable annually, for any of the following purposes, namely:—

melting tallow ;

boiling offal or blood ;

skinning or disembowelling animals ;

as a soap-house, oil-boiling house, dyeing-house ;

as a tannery, slaughter-house, or kiln for making bricks, pottery, tiles or lime ;

as a manufactory or place of business from which offensive or unwholesome smells may arise ;

as a yard or depôt for trade in hay, straw, wood, thatching-grass, jute or other dangerously inflammable material ;

as a store-house for kerosine, petroleum, naphtha or any inflammable oil or spirit ;

as a shop for the sale of meat ;

¹ [as a place for the storage of rags or bones, or both ;] or as a lodging house or a serai.

Such license shall not be withheld unless the Commissioners have reason to believe that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in or frequenting the immediate neighbourhood.

² [The Commissioners at a meeting may, in accordance with a scale of fees to be approved by the Commissioner of the Division, levy a fee in respect of any such license and the renewal thereof, and may impose such conditions upon the grant of any such license as they may think necessary.]

Commissioners may, in certain cases, order the use of slaughter-houses and the carrying on of dangerous and offensive trades to be discontinued.

262. If it be shown to the satisfaction of the Commissioners at a meeting that any place licensed under section 261 is a nuisance to the neighbourhood, they may, notwithstanding anything contained in the said section, give notice to the occupier to discontinue the use of such place within one month after the date of such notice :

³ [Provided that in this case the Commissioners shall refund so much of the fee levied under the last preceding section as may be proportionate to the unexpired portion of the year for which the license was granted.]

¹ These words in square brackets in s. 261 were inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 74 (1), *post*.

² This paragraph in square brackets in s. 261 was substituted for the original paragraph by s. 74 (2) of the same Act, *post*. The original paragraph ran thus:—

“The Commissioners may levy a fee in respect of such license and the renewal thereof, and may impose such conditions upon the license as they may think necessary.”

³ This proviso in square brackets in s. 262 was added by the same Act, s. 75, *post*.

262A. Within such local limits as may be fixed by the Commissioners at a meeting no place shall be used as a kiln for making bricks pottery tiles or lime for private purposes Commissioners may prohibit private kiln

263. Within such limits as the Commissioners at a meeting may determine no milkman cartman livery stable keeper or keeper of hackney carriages shall keep horses ponies or cattle * * * for the purposes of trade or business except in a place licensed by the Commissioners Milkman etc not to keep animals or cattle without license

The Commissioners may license places for such purpose and may levy a fee not exceeding one rupee on the issue and renewal of any such license Such license shall be renewed in the first and seventh months of each year

It shall be in the discretion of the Commissioners at a meeting to grant any such license subject to such conditions as they may think fit

264. The Commissioners may provide public stables for the accommodation of horses and cattle and may direct that within such limits as they shall at a meeting determine no person shall keep horses or cattle exceeding ten in number for the purpose of trade or business except in such public stables or in places licensed under the preceding section Commissioners may provide public stables

The Commissioners may charge such reasonable fees as they shall think fit for the use of such public stables

265. Within such limits as the Commissioners may direct no person shall keep any pig sty adjoining or near a road unless it is shut out therefrom by a sufficient wall or fence and in no place within such limits shall more than ten pigs or more than twenty sheep or goats be kept without the written permission of the Commissioners Conditions for keeping pigs

The Commissioners may charge an annual fee not exceeding two rupees for such permission and may impose such conditions in respect of such permission as they may think necessary

Penalties

266. Any person constructing a privy within a municipality, and failing to have it shut out from view as in section 223 required shall be liable to a fine not exceeding twenty rupees Failing to shut out privy from view

267. Whoever erects a hut or any range or block of huts or sheds or adds to any hut or shed or to any range or block already existing, contrary to the provisions of section 213 and whoever fails to remove such hut block of huts or shed when required by the Commissioners to do so shall be liable to a fine not exceeding twenty rupees for every such offence and to a further fine not exceeding five rupees for each day during which the offence is continued after he has been convicted of such offence Erecting huts without notice

268. If any owner occupier or farmer of any place for the sale of meat, poultry fish or vegetables or of any slaughter house within the limits of a Disobeying requisition under section 219

¹ Section 262A was inserted by the Municipal Amendment Act 1891 (Ben Act IV of 1891) s. 20 post

² The words "exceed ten in number" in s. 263 were repealed by s. 20 of the same Act and are omitted

municipality, after notice in writing given to him by the Commissioners that such place or slaughter-house is defective in any of the particulars specified in section 249, and requiring him to remedy the defect specified within not less than thirty days, makes default therein, he shall be liable to a fine not exceeding twenty rupees for every day during which such default is continued after the expiration of the period mentioned in such notice.

269. If any person, in order to provide for the passage of water, or for any other purpose, shall, without the consent of the Commissioners, dig or cut up any public road or thoroughfare, he shall be liable to a fine not exceeding twenty-five rupees, and shall in addition be bound to pay the expenses incurred in filling up any excavation made by him or on his behalf in any such public road or thoroughfare.

270. Whoever, within a municipality,—

- (1) without the permission of the Commissioners, throws or puts, or permits his servants to throw or put, any sewage or offensive matter on to any road, or who throws or puts, or permits his servants to throw or put, any earth, rubbish, sewage or offensive matter into any sewer or drain belonging to the Commissioners, or into any drain communicating therewith; or
- (2) causes or allows the water of any sink, sewer or cess-pool, or any other offensive matter belonging to him or being on his land, to run, drain or be thrown or put upon any road, or causes or allows any offensive matter to run, drain or be thrown into a surface-drain near any road; or
- (3) constructs a latrine, urinal, cess-pool, house-drain or privy in contravention of the provisions of sections 230 and 231; or
- (4) without the written permission of the Commissioners, digs or makes, or causes or suffers to be dug or made, any excavation, cess-pool, tank or pit, in contravention of the provisions of section 232,
¹[or]
- [(5) makes or repairs a roof or wall with grass, leaves, mats or other inflammable material in contravention of the provisions of section 236];

shall be liable, for every such offence, to a fine not exceeding twenty-five rupees.

271. Whoever, within a municipality, fails to comply with a requisition issued by the Commissioners under the provisions of section ²[224], 225, ²[227], 230, ²[231 or 238], shall be liable, for every such offence, to a fine not

¹ The word "or," in clause (4), and clause (5), of s. 270 were added by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 78, *post*.

² The figures "224" and "227," in s. 271, were inserted, and the figures and word "231 or 238" were substituted for the word and figures "or 231," by the same Act, s. 79, *post*.

Cutting up
road for
passage of
water, etc.

Throwing
rubbish into
sewers.

Allowing
water of any
sewer, etc.,
to run on any
road.

Constructing
latrine, etc.,
in contraven-
tion of sec-
tions 230 and
231.

Making ex-
cavations.

Making a roof
or wall of
grass, etc.

Disobeying
requisition.

exceeding twenty-five rupees and to a further fine, not exceeding five rupees, for every day during which he shall continue to make such default after service on him of such requisition

272. Whoever, within a municipality,—

Altering etc drains leading to public sewers

(1) without the written consent of the Commissioners previously obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Commissioners by this Act, or

(2) constructs any branch drain, privy or cess pool contrary to the directions and regulations of the Commissioners or contrary to the provisions of this Act, or, without the consent of the Commissioners, constructs, rebuilds or unstops any drain, privy or cess pool which has been ordered by them to be demolished or stopped up or not to be made,

Making drains contrary to the orders of the Commissioners

shall be liable, for every such offence, to a fine not exceeding fifty rupees

273. Whoever, in a municipality,—

Offence under section 235, 238, 241 or 242

(1) begins to build or to take down, or alter or repair, any house contrary to the provisions of section 235, 1[238] or 241, or lets a house for occupation contrary to the provisions of section 242, or, without written permission, erects or sets up any board, scaffolding or fence whatsoever, or who, being permitted, fails to put up such fence or board, or to continue the same standing or to maintain the same in good condition, or who does not, while such board or fence is standing, keep the same sufficiently lighted during the night, or who does not remove the same within eight days, when directed by the Commissioners or

(2) without a license uses any place for any of the purposes specified in section 261 or section 263, or ² [uses any place as a kiln in contravention of the provisions of section 262 A, or]

Offence under section 261, 262A or 263

(3) being a holder of a license under section 261 or section 263, breaks any condition of such license, or

Offence under section 261 or 263

(4) after the issue of an order under section 264, keeps horses or cattle exceeding ten in number in contravention of such order, or

Offence under section 264

(5) keeps any pig sty, pigs, sheep, or goats contrary to the provisions of section 265,

Offence under section 265

shall be liable, for every such offence, to a fine not exceeding fifty rupees and to a further fine, not exceeding ten rupees, for every day during which the offence is continued after he has been convicted of such offence

274. Whoever, within a municipality, after the expiration of the period mentioned in section 257, knowingly buries or burns, or causes to be buried or burned, any corpse in or on any ground not registered

Burying or burning corpse in unregistered grounds.

¹ The figures '238' in clause (1) of s. 273 were inserted by the Bengal Municipal (Amendment) Act 1894 (Ben Act IV of 1894) s. 60 post

² The words and figures in square brackets in clause (2) of s. 273 were added by the same Act, s. 80 post

as a burial or burning ground, shall be liable to a fine not exceeding one hundred rupees.

Offence under
section 252.

275. Whoever, within a municipality, uses any such place as is mentioned in section 252, without the same being registered, shall be liable to a fine not exceeding one hundred rupees, and to a further fine not exceeding twenty rupees for each day during which the offence is continued after he has been convicted of such offence.

Uncertifica-
ted persons
dispensing
drugs.

276. Whoever, within a municipality, not being the holder of such certificate as is mentioned in the second clause of section 252, shall compound, mix, prepare or sell any drugs in any registered shop or place, shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees for each offence; and any owner, occupier or keeper of any such shop or place, who shall employ any such uncertified person to perform any one or more of such duties, shall, on conviction before a Magistrate, be liable to a fine not exceeding two hundred rupees, and shall be further liable, at the discretion of such Magistrate, to forfeit his license:

Provided that this section shall not come into operation until after the expiration of a period of six months from the publication of a notification to that effect in the Calcutta Gazette ¹ by the Local Government.

Disobeying
notice under
section 262.

277. Whoever, within a municipality, after the expiration of the time specified in a notice issued by the Commissioners under the provisions of section 262, uses, or permits to be used, the place specified in such notice in such a manner as to be a nuisance to the neighbourhood, shall be liable to a fine not exceeding two hundred rupees, and to a further fine not exceeding forty rupees for each day during which the offence is continued after he has been convicted of such offence.

Suspension or
revocation of
license, etc.

278. Any Magistrate before whom any person is convicted of an offence contrary to the provisions of this Act, relating to the use of any place for a purpose for which a license is required, or of the non-observance of any of the by-laws relating thereto made under this Act, in addition to the fine which may be imposed on such person under this Act, may suspend, for any period not exceeding two months, any such license.

And the Commissioners, upon the conviction of any person for a second or other subsequent like offence, may cancel his license.

PART VII.

OF A WATER-SUPPLY.

Imposition of
water-rate.

279. (1) In any municipality to which the provisions of this Part shall be extended in the manner prescribed by section 222, it shall be lawful for

¹ In Assam, the Assam Gazette and the Chief Commissioner, respectively—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III.

² This section was substituted for the original s. 279 by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 81, *post*.

the Commissioners at a meeting to impose a water-rate not exceeding seven and-a-half *per centum* on the annual value of holdings when the houses and lands are situated in any road supplied with water, and not exceeding six *per centum* when the house and lands are situated in any road not so supplied

¹ [(1a) With the sanction of the Local Government,² the amount of the water-rate imposed under this section may vary with the distance of houses or lands from the nearest stand pipe or other source of water-supply, and the amount may be higher in the case of premises to which communication-pipes are attached than in the case of other premises]

(2) In fixing the amount ³ [or amounts] of the rate, regard shall be had to the principle that the total net proceeds of the tax together with the estimated income from payments for water supplied from the works under special contract or otherwise, shall not exceed the amount required for carrying out the purposes of this Part

(3) The water-rate shall be paid by the occupiers of the holdings by quarterly instalments in advance

Provided that such water-rate shall not be levied upon—

(a) any house or land, no part of which is within a radius to be fixed by the Local Government ² for each municipality from the nearest stand pipe or other supply of water available to the public, or

(b) any land used exclusively for purposes of agriculture, ⁴ [or

(c) any holding consisting only of tanks]

Provided also that nothing in this section shall prevent the Commissioners from making any special arrangement consistent with this Act with persons residing beyond the radius fixed by the Local Government ²

280. The annual value of holdings shall be the value determined by the Commissioners for the imposition of the rate on holdings under the provisions of Part IV of this Act, or, if no such rate on holdings be imposed, the annual value shall be ascertained and determined in the manner provided in that Part. And the provisions of sections 96 to 109 (both inclusive), and 112 to 130 (both inclusive), shall, *mutatis mutandis*, and so far as they are not inconsistent with the provisions of this Part, be applicable to the assessment and collection of the water-rate

281. Whenever the person by whom the water-rate shall have been paid, or from whom the said rate shall have been recovered, is not the owner of the house or land in respect of which the water-rate shall have been assessed, such person may recover from the owner one-fourth of the water so paid or

Valuation
assessment
and collection
of water rate

Occupier pay-
ing water
rate may
deduct one
fourth
from rent due
to owner

¹ Sub-s. (1a) was inserted in s. 279 by the Bengal Municipal (Amendment) Act, 1896 (Ben. Act II of 1896) s. 13 (1) post

² In Assam the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912) s. 3 and Sch D Pt III, ante

³ The words "or amounts," in s. 279 (2) were inserted by Ben. Act II of 1896 s. 13 (2) post

⁴ The word "or" in sub-clause (b) and sub-clause (c) were inserted by the same Act, s. 14 post

recovered, and may deduct the same from the rent payable by him to such owner.

When house is unoccupied, owner to pay one-fourth of water-rate.

282. Whenever any house or land has been unoccupied during an entire quarter, the owner of the said house or land shall pay to the Commissioners one-fourth of the sum which would have been payable as water-rate by the occupier if such house or land had been occupied.

The sum payable by the owner under this section shall be deemed to be due on the first day of the quarter following that in respect of which the said sum is payable.

Refund of water-rate when house ceases to be occupied.

283. Whenever any quarterly instalment of the water-rate shall have been paid in respect of any house or land, and such house or land shall, during the quarter for which such instalment shall have been paid, cease to be occupied, the person who shall have paid such water-rate shall be entitled to be repaid by the Commissioners three-fourths of such sum as shall bear to the amount paid by him the same proportion which the residue of the quarter bears to the entire quarter :

Provided that notice shall have been given in writing to the Commissioners of such house or land being unoccupied, and that the application for refund be made within six months next after the date on which the house or land ceased to be occupied.

The date on which the said notice is delivered at the office of the Commissioners shall, for the purposes of this section, be deemed to be the date on which the house or land ceased to be occupied.

Rate payable on house being re-occupied.

284. Whenever any house or land which shall have been unoccupied shall begin to be occupied during any quarter, there shall be forthwith payable by the occupier in respect of such house or land a sum calculated at one-fourth of the rate that would have been payable if the house or land had been occupied during the entire quarter for the period during which the house or land was not occupied, and the full rate for the residue of the quarter.

And such occupier shall be entitled to deduct from the rent, or otherwise recover from the owner, one-fourth of the water-rate that would have been payable if the house or land had been occupied during the entire quarter.

Person sub-letting to several different tenants to be deemed occupier.

285. Whenever any person holding any house or land from the owner thereof has sub-let the same in severalty to two or more persons, the person holding from the owner shall, for the purposes of this Part, be deemed to be the occupier of such house or land.

Owner to pay water-rate in certain other cases.

286. The provisions of sections 312, 313 and 314 shall be applicable to this Part :

Provided that the owner shall not be entitled to recover from any occupying tenant more than three-fourths of the water-rate that would but for this proviso be recoverable by him under the said sections.

The Commissioners to provide

287. In any municipality to which the provisions of this Part shall be extended, the Commissioners shall provide a supply of water within the limits of the municipality ; and for this purpose it shall be lawful for them to cause

such mains and pipes to be laid, and such tanks, reservoirs or other works to be made and constricted, as shall be necessary for the supply of water in the chief public streets, and they may also erect in all such streets sufficient and convenient stand-pipes or pumps for the use of the inhabitants of the municipality for domestic purposes

288. A supply of water for domestic purposes shall not include a supply of water for animals or for washing carriages, where such animals or carriages are kept for sale or hire, or a supply for any trade, manufacture or business, or for watering gardens or roads or for any ornamental or mechanical purpose

289. The Commissioners at a meeting shall determine what pressure of water shall be maintained in their service pipes and mains and during what hours such pressure shall be continued, and any rule made under this section shall be published in such manner as the Commissioners may direct, and shall not be altered except with the sanction of the Commissioners at a meeting

290. Whenever the Commissioners deem it practicable and consistent with the maintenance of an efficient water supply, they may, at a meeting and subject to such rules and conditions as the Local Government may make and impose allow the owners and occupiers paying the water-rate hereinafter mentioned to lay down communication-pipes from the service-pipes of the Commissioners for the purpose of leading water to their premises for domestic purposes

291. The communication-pipes and all fittings thereon leading water from the service-pipes of the Commissioners into any house or land and the pipes, works and fittings inside the house or land must in all cases be executed subject to the inspection and satisfaction of the Commissioners

Such communication pipes, works and fittings may be made by the servants and workmen of the Commissioners upon such terms as may be agreed upon between the Commissioners and the person requiring the supply, or subject to such charges as may be fixed by the Commissioners, and the Commissioners may require the amount necessary for the execution of such works to be paid or deposited before such works are executed

And such charges and expenses shall be recoverable in the same manner as the water rate

292. Any officer authorized in that behalf by the Commissioners may between the hours of seven in the forenoon and five in the afternoon enter into or on any house or land supplied with water as aforesaid in order to examine all pipes works and fittings connected with the supply of water, and to ascertain whether there be any waste or misuse of such water

And, if such officer at any such time be refused admittance into such house or land for the purposes aforesaid, or be prevented from making such exami-

¹ This section was substituted for the original s. 290 by the Bengal Municipal (Amendment) Act 1894 (Ben. Act IV of 1894) s. 82 *post*

² In Assam the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3 and Sch. D Pt. III, *ent*

ation, the Commissioners may forthwith cut off the supply of water from such house or land :

Provided that nothing hereinbefore contained shall authorize an entry into any room appropriated for the *zanana* or residence of women which, by the custom of the country, is considered private, unless a notice in writing of not less than four hours be given.

293. In the event of any pipes, works or fittings connected with the supply of water to any house or land being at any time found, on examination by any officer of the Commissioners authorized in that behalf, to be out of repair to such an extent as to cause waste of water, the Commissioners may cause the water to be turned off from such house or land, after giving notice in writing of not less than twenty-four hours, and may recover from the occupier of such house or land the expense incurred for turning off the water.

294. The Commissioners may supply water * * * ¹ for purposes other than domestic purposes, and may, subject to such charges and rates as may have been fixed by the Commissioners at a meeting, lay down, or allow to be laid down, the necessary pipes and works of such dimensions and character as may be approved by them.

295. The Commissioners at a meeting may determine what quantity of water shall be supplied to the occupier of every house free of further charge for every rupee paid to the Commissioners as water-rate on account of such house.

If the Commissioners have reason to believe that the occupier of any house consumes more water than he is entitled to as aforesaid, it shall be lawful for them to provide a water-meter at their own expense, and to attach the same to the water-pipes of the said house ; and any water which may be used over and above the quantity to which the occupier is entitled as aforesaid shall be paid for by him at such rate, as the Commissioners at a meeting may determine.

296. It shall be at the option of the Commissioners to provide filtered or unfiltered water for all latrines and water-closets, and it shall be lawful for them to require that all latrines and water-closets supplied with water, filtered or unfiltered, shall be provided with a cistern of such size and description as the Commissioners shall direct, and all such cisterns shall be put up at the cost of the owner of the house or land so supplied with water.

297. If any person supplied with water shall neglect to pay the water-rate hereinbefore mentioned at the times of payment thereof, or the charge made for the said water when supplied for other than domestic purposes, the Commissioners may turn off the water from the house or land in respect of which such rate or charge is payable, and may recover the expense of turning off the water from such person :

¹ The words "through a meter," in s. 294, were repealed by the Bengal Municipal (Amendment) Act. 1894 (Ben. Act IV of 1894), s. 83, and are omitted.

When pipes are out of repair, Commissioners may turn off water.

Supply for business.

Householder entitled to certain supply of water for domestic use.

Commissioners may provide filtered or unfiltered water for latrines.

Water may be cut off on neglect to pay the rate.

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he may have incurred

298. The occupier of any house or land in which water supplied by the Commissioners under this Part is, from negligence or other circumstances under the control of the said occupier, wasted or in whose house or land the pipes, works or fittings for the supply of water shall be found to be out of repair to such an extent as to cause waste of water shall be liable to a fine not exceeding twenty rupees

Occupier in whose house water is wasted liable to penalty

299. Any person otherwise causing waste of water supplied by the Commissioners shall be liable to a fine not exceeding five rupees

Person causing waste of water liable to penalty
Commissioners at their discretion may allow person outside the town to take water

300. It shall be within the discretion of the Commissioners to allow any person not residing within the limits of the municipality to take or be supplied with water for domestic use on such terms as the Commissioners in meeting may from time to time prescribe

Penalty

And any person taking or causing to be taken for use, outside the limits of the municipality, water supplied by the Commissioners, without the permission of the Commissioners, shall be liable to a fine not exceeding fifty rupees

301. Before a connection for the supply of water from the service-pipes of the Commissioners to any house or land is sanctioned the Commissioners may cause all the works, pipes and fittings within the said house or land to be inspected by an officer appointed by them in that behalf

Before connection an officer of the Commissioners to cause all works and pipes to be inspected

And the cost of such inspection shall be payable in advance by the person applying for such connection at such rates as the Commissioners in meeting shall from time to time direct

And, until such officer shall have certified to the Commissioners that the works, pipes and fittings have been executed and put up in a satisfactory manner a connection with the Commissioners' service pipes shall not be permitted

302. The connection with the service-pipes of the Commissioners, as also the laying of supply pipes under any public road or thoroughfare shall be executed by an officer of the Commissioners authorized in that behalf and by no other person

Connection with service pipes to be executed only by an officer of the Commissioners.

And the expense of making such connection shall be payable in advance by the person applying for the same, at such rates as the Commissioners in meeting shall from time to time direct

303. Any person who shall unlawfully flush, draw-off, divert or take water from any water works belonging to, or under the control of, the Commissioners, or from any water or streams by which such water works are supplied shall be liable to a fine not exceeding one hundred rupees

Of structing or diverting water

304. No works for introducing a supply of water to any house shall be commenced by the owner without sending a specification and estimate of the

Estimate and specification

of works to
be sent.

cost thereof to the occupier, nor by the occupier without sending such specification and estimate to the owner.

Owner to
keep works
in repair.

305. Except in the case of a special agreement to the contrary, the owner of any house or land shall bear the expense of keeping all works connected with the supply of water to such house or land in substantial repair :

Provided that nothing in this section shall affect the liabilities of parties under leases executed previous to the extension of this Part to the municipality in which the said house or land is situated.

Tanks, etc.,
vested in the
Commissioners.

306. All public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps, and other water-works whether made, laid or erected at the cost of the Commissioners or otherwise, and all bridges, buildings, engines, works, materials and things connected therewith, or appertaining thereto and also any adjacent land (not being private property) appertaining to any public tank shall become vested in the Commissioners.

Application
of rates and
moneys
received
from the
supply of
water.

307. The water-rate and all moneys collected, received or recovered for or in respect of the supply of water or the execution of works, and all fines connected therewith, or in any respect relating to the water-supply, shall be applied by the Commissioners in defraying the expense of making, extending or maintaining the water-works, ¹ [in the payment of such a proportionate share of the cost of collection and of general supervision as the Commissioners in meeting may from time to time direct,] in paying the interest of money borrowed for the water-works, and in the liquidation of debts incurred in connection therewith or for some other purpose connected with the supply of water.

PART VIII.

OF LIGHTING WITH GAS.

Municipal
Commissioners may
submit to
the Local
Government
a plan for
lighting.

308. In any municipality in which this Part shall have been introduced in the manner provided in section 222, it shall be lawful for the Commissioners, from time to time, to submit to the Local Government,² for its sanction, a plan for lighting with gas any portion of any area situate within the municipal limits, whether so lighted already or not, such portion of the said area having been previously defined by the Commissioners at a meeting held for that purpose.

The Local Government ² shall cause the plan to be published for one month in the Calcutta Gazette,² and the Commissioners shall publish it

¹ The words in square brackets in s. 307 were inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 84, *post*.

² In Assam, the Chief Commissioner and Assam Gazette, respectively—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3 and Sch. D, Pt. III, *ante*.

in the vernacular within the limits of the municipality, and after such publication, and after consideration of any objections which may be raised to it or alterations suggested in it, the Local Government¹ may, if satisfied that the lighting proposed in the plan is proper and sufficient, sanction such plan or may refuse its sanction thereto or may return it to the Commissioners for alteration in certain particulars to be specified by it, and when altered may sanction it as altered.

The Local Government¹ shall cause its sanction to any plan to be notified in the Calcutta Gazette¹ and shall at the same time cause the plan sanctioned to be published in the said Gazette.

309. After notification by the Local Government¹ in the last preceding section mentioned, it shall be lawful for the Commissioners to impose an annual rate not exceeding three *per centum* of their annual value upon all holdings situated within such portion of the said area for the purpose of defraying the whole expense of lighting.

Provided that as regards any portion of the said area already lighted with gas for the future lighting of which a plan shall have been sanctioned by the Local Government¹ under the provisions of the last preceding section if it shall appear that the estimated proceeds of the said rate at three *per centum* will not be sufficient to defray the whole expense of such lighting it shall be lawful for the Commissioners to impose a rate sufficient to defray the whole expense of lighting such portion.

310. The rate imposed under the last preceding section upon holdings shall be paid by the occupiers thereof by quarterly instalments in advance, but no rate shall be leviable until the lamps in the portion of the area to be lighted shall have been lighted, nor shall any rate be leviable for any quarter or portion of a quarter antecedent to such lighting.

311. The annual value of holdings shall be the value determined by the Commissioners for the imposition of the rate on holdings under the provisions of Part IV of this Act or if no such rate on holdings be imposed the annual value shall be ascertained and determined in the manner provided in that Part. And the provisions of sections 96 to 109 (both inclusive) and 112 to 130 (both inclusive) shall *mutatis mutandis* and so far as they are not inconsistent with the provisions of this Part be applicable to the assessment and collection of the lighting rate.

312. If any holding shall be occupied by more than one tenant holding severally or shall be of less annual value than one hundred rupees it shall be lawful for the Commissioners to recover the rate from the owner of such holding.

313. Whenever any rate shall be recovered from any owner of any holding under the provisions of the last preceding section it shall be lawful for

Lighting rate not exceeding three *per centum* as after sanction of plan be imposed on holdings. Provided as to portions already lighted.

Rate payable by occupiers quarterly in advance.

Valuation assessment and collection of lighting rate.

Power to recover from the owners in certain cases.

Owner to recover from the occupiers rates paid by water.

¹ In Assam the Chief Commissioner and in Amoy the Municipal Council are the Benal Bazar and Orissa and Assam Laws Act 1912 (VII of 1912) s. 3 and Sch. D II III.

such owner, if there shall be but one occupying tenant of such entire holding, to recover from such tenant the entire amount of the rate which shall have been so paid by such owner; and, if there shall be one occupying tenant of a part of such holding or more than one occupying tenant of such holding, then to recover from such tenant, or each of such tenants, such sum as shall bear to the entire amount of rate which may have been so recovered from such owner the same proportion as the value of the portion of such holding in the occupation of such tenant bears to the entire value of such holding, subject, however, to the provisions of the next succeeding section.

Owner may
recover rate
so paid as
rent.

314. Every owner who, under the provisions of the last preceding section, may be entitled to recover any sum from any occupying tenant of any holding or of any portion thereof shall have for the recovery of such sum all such and the same remedies, powers, rights, and authorities as if such sum were rent payable to such owner by such tenant in respect of so much of such holding as may be in the occupation of such tenant.

Occupier
liable to the
rate for time
of occupation
only.

315. Every occupier shall be liable to the lighting-rate for the time of his occupation. When any person shall have been an occupier for a part only of any quarter, he shall be liable only for so much of the rate for that quarter as may be proportionate to the number of days during which he shall have been an occupier.

Excess paid
in advance to
be refunded.
No rate to be
charged
during
vacancy.
Notice of
cessation of
occupancy
to be given
within seven
days.

If he shall have paid the rate in advance, the amount paid in excess of the sum due under this section shall be refunded.

No such rate shall be chargeable to any person on account of any unoccupied holding for the time during which it may remain unoccupied:

Provided always that, when any person ceases to be the occupier of any holding upon which the rate has been assessed, he shall give the Commissioners notice to that effect within seven days from the date of the cessation of his occupancy. If the occupier fail to give such notice within such period he shall be liable to the rate assessed on such holding for the whole quarter, although he may have occupied for a part only of such quarter; and, in cases to which the provisions of section 312 apply, the rate assessed on such holding for the whole quarter shall be recoverable from the owner, if such owner has failed to give notice that such holding is unoccupied, within seven days from the date on which it ceased to be occupied.

Unknown
owner or
occupier how
to be desig-
nated.

316. When the name of the owner or occupier of any holding is not known, it shall be sufficient to designate him, in any notice served or proceeding held under this Part, as the owner or the occupier of the holding on which the rate is assessed, and without further description.

Situation
of gas-pipe or
other gas-
work to be
altered at the

317. If the Commissioners deem it necessary for the purposes of this Part to raise, sink or otherwise alter the situation of any gas-pipe or other gas-work laid in any portion of the said area, they may, from time to time, by notice in writing, require the person to whom any such pipe or

work belongs, or under whose control it may be to cause forthwith, or as soon as conveniently may be any such pipe or work to be raised, sunk or otherwise altered in position, in such manner as the Commissioners may direct expense of the Commissioners

Provided that such alteration be not such as permanently to injure such pipe or work or to prevent the gas from flowing as freely and conveniently as before, and the expenses attending such raising sinking or altering and full compensation for the damage done thereby, shall be paid by the Commissioners out of the municipal fund as well to the person to whom such pipe or work belongs as to all other persons

318. If the person to whom any such pipe or work belongs or under whose control it may be, do not proceed forthwith or as soon as conveniently may be, after the receipt of such notice, to cause the same to be raised sunk or altered in such manner as the Commissioners require the Commissioners may themselves cause such pipe or work to be raised sunk or altered as they may think fit If owner etc, neglect to make alterations the Commissioners may cause the same to be made

Provided that such works be not permanently injured thereby, or the gas prevented from flowing as freely and conveniently as before

318A. The lighting rate and all the moneys collected received or recovered for or in respect of, lighting or the execution of works and all fines connected therewith or in any respect relating to lighting shall be applied by the Commissioners in defraying the expenses of making extending or maintaining the lighting system in the payment of such a proportionate share of the cost of collection and of general supervision as the Commissioners in meeting may from time to time direct in paying the interest of money borrowed for lighting and in the liquidation of debts incurred in connection therewith or for some other purposes connected with lighting Application of rates and moneys received for lighting

319. The provisions of this Part shall apply so far as may be possible to any scheme which may be adopted by the Commissioners of any municipality for lighting the municipality under any system involving the laying of pipes or wires or other similar apparatus Provisions applicable to other systems of lighting

PART IX.

OF THE CONSTRUCTION AND CLEANSING OF LATRINES

320. In any municipality to which the provisions of this Part shall have been extended in the manner prescribed by section 222, the Commissioners may issue a notice declaring that, from a date to be specified in such notice, they will maintain an establishment for the cleansing of * * * private Notice to be issued by the Commissioners

¹ S. 318A was inserted by the Local Municipal (Amendment) Act, 1901 (Ben. Act IV of 1901) s. 85.

² The words "public and" in s. 320 were repealed by s. 86 of the same Act as here omitted

¹ [privies and cess-pools] within the limits of the municipality, or any part thereof; and the Commissioners shall make suitable provision accordingly.

Commis-
sioners may
levy fees.

321. When such provision has been made, the Commissioners may levy fees, to be fixed on such scale, with reference to the annual value of holdings ² [containing dwelling-houses] ³ [or privies] within the limits of the municipality, or such part thereof as aforesaid, as the Commissioners at a meeting may from time to time direct;

but the fee shall not exceed three rupees *per annum* where the valuation of the holding amounts to, or is less than, twenty-five rupees;

and the fee on any one holding shall not exceed four hundred and eighty rupees:

Provided that if, on the commencement of this Act, the owners or occupiers of any holding are already under engagement to pay to the Commissioners an annual sum exceeding four hundred and eighty rupees for the cleansing of their premises, such sum, or such other sum as may from time to time be agreed upon between them and the Commissioners, may be levied from them in accordance with the provisions of this Part.

Recovery of
fees.

⁴ **322.** (1) The said fee shall be payable in quarterly instalments by the occupier for the time being of the holding or by the owner thereof if there is no occupier, or under the provisions of the next succeeding section, and shall be recoverable in the manner prescribed for the recovery of the rate on the value of holdings in this Act, and the provisions of section 110 shall be applicable.

(2) Every instalment of the said fee shall be deemed to be due on the first day of the quarter in respect of which such instalment is payable.

⁵ [(3) The net proceeds of the said fees, after deducting a proportionate share, to be fixed by the Commissioners in meeting, of the cost of the staff employed in collecting and in supervising the collection of the fees and in keeping and auditing the accounts thereof, shall be applied to the maintenance of the establishment referred to in section 320, and generally to carrying out the provisions of the Part.]

(4) A list of the said fees, and of the persons liable to pay the same, shall be published once in every year as prescribed in section 354:

Provided that no such fee shall be levied in respect of any shop or place of business which does not contain any privies or cess-pools, when a fee under

¹ The words "privies and cess-pools," in s. 320, were substituted for the word "latrines," by s. 86 of Ben. Act IV of 1894, *post*.

² The words "containing dwelling-houses," in s. 321, were inserted by the same Act, s. 87, *post*.

³ The words "or privies," in s. 321, were inserted by the Bengal Municipal (Amendment) Act, 1896 (Ben. Act II of 1896), s. 15, *post*.

⁴ This section was substituted for the original s. 322 by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 88, *post*.

⁵ This sub-section was substituted for the original sub-s. (3) by Ben. Act II of 1896 s. 16, *post*.

this Part is levied from the occupier thereof in respect of his dwelling house within the same municipality

323. If any holding is occupied in severalty by more than one person, the Commissioners may levy the said fee from the owner or such holding who may recover from each occupier such sum as shall bear to the entire amount of the fee so levied the same proportion as the value of the part of the holding in the occupation of such person bears to the entire value of such holding

In certain cases fee may be levied from owner, who may recover from occupier

324. Every owner who, under the provisions of the last preceding section, is entitled to recover any sum from the occupier of any part of a holding shall have for the recovery of the said sum all such and the same remedies, powers, rights and authorities as if such sum were rent payable to him by the occupier in respect of such portion of the holding as may be in his occupation

Owner may recover fees from occupier as rent

325. The Commissioners at their discretion may compound for any period not exceeding one year, with any occupier or owner as aforesaid of any railway premises or of any premises used as a factory, dockyard, workshop, cooly-depôt, school, hospital, market, court house or other similar place for a certain sum to be paid by such occupier or owner in lieu of such fee

Commissioners may compound with occupier or owner of certain premises for fee

326. The Commissioners may in lieu of the aforesaid fee levy a rate per head, to be fixed by the said Commissioners at a meeting, on the number of persons living within or habitually resorting to any such railway premises, factory, dockyard, workshop, cooly depôt, school, hospital, market, court-house or other similar place

Commissioners may levy a rate per head

327, 328. [Commissioners may reduce or remit fee—Penalty] Rep by the Bengal Municipal (Amendment) Act 1891 (Ben Act I of 1891) s 89

329. No person liable to pay a fee or rate under the provisions of this Part shall be punished with fine for neglecting or refusing to keep his premises in a proper state under section 217, clause (3)

Exemption from prosecution under section 217

330. All servants of the Commissioners employed for the purposes of this Part may within such hours as may be fixed by the Commissioners, enter on any premises of which the occupier or owner is liable to pay a fee or rate as aforesaid, and do all things necessary for the performance of their duties under this part

owers of servants of Commissioners

331. The Commissioners at a meeting may make an order requiring all persons employed in the removal of sewage within the limits of the municipality, or any part thereof, to take out licenses, and to be servants of the Commissioners for the purpose of removing sewage from premises within the said limits

Commissioners may require night men to take out licenses

The Commissioners at a meeting may grant such licenses subject to such conditions as they may think fit, and may impose fees in respect of the same

Subject to the approval of the Local Government,¹ the Commissioners may make rules to define the duties of such persons, and from time to time may alter, add to or repeal such rules ; and any breach of such rules shall subject the offender to a forfeiture of license and to a fine not exceeding twenty rupees.

332. If the Commissioners think that any latrine or additional or common latrine should be provided for any house or land within the limits of the municipality, the owners of such house or land shall, within fourteen days after notice given by the Commissioners, or within such longer time as the Commissioners may for special reasons allow, cause such latrine to be constructed in accordance with the requisition of such notice ; and, if such latrine is not constructed to the satisfaction of the Commissioners within such period, the Commissioners may cause the same to be constructed, and the expenses thereby incurred shall be paid by the owners, and shall be recoverable as provided in section 322.

333. The Commissioners may, for the purposes of this Part, by a notice in writing, require the owner or occupier of any holding to furnish, within a time to be specified in the notice, a list of the number of persons residing in, or habitually resorting to, such holding.

334. Whoever, being the owner or occupier of any holding, fails to furnish such list within the time specified in such notice, after being required to furnish the same by the Commissioners, shall be liable to a fine not exceeding one hundred rupees.

² **334A.** The provisions of this Part shall not apply to any jail, reformatory or lunatic asylum in which an establishment is maintained for the cleansing of privies and cess-pools therein.

PART X.

REGULATION OF MARKETS.

335. In any municipality to which this Part shall have been ³ extended in the manner prescribed by section 222, the Commissioners at a meeting may provide land for the purpose of being used as a municipal market, and may defray the cost of providing such land and of all expenses necessary for the establishment of such market from the municipal fund, and may take a lease of any market ;

and may charge rent, tolls and fees for the right to expose goods for sale in such market and for the use of shops, stalls and standings therein.

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III.

² S. 334A was inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 90, *post*.

³ The provisions of this Part were extended to the Sylhet municipality by notification No. 4881M. dated 26th Nov. 1912—see Assam Gazette 1912 Pt. II. p. 1116.

Commis-
sioners may
require
latrine to be
constructed,
and in
default may
construct
themselves.

Commis-
sioners may
require list
of persons in
a holding.

Penalty.

Exemption
of jail, etc.

Power to
construct
markets.

All such rents, tolls and fees may be recovered as arrears of tax under the provisions of sections 120 to 129 (both inclusive)

336. No place shall be deemed to be a "municipal market" within the meaning of the last preceding section, and no place shall be deemed to be a market to which the following sections of this Part apply unless at least thirty shops, stalls or standings are erected thereon for the sale of goods

Definition of "municipal market" and "market"

337. The Commissioners at a meeting may order that within such limits as they may fix, no land shall be used as a market for the sale of meat, fish, butter, ghee, fruits, vegetables and similar provisions, otherwise than under a license to be granted by the Commissioners

Commissioners may prohibit use of unlicensed markets

338. When the Commissioners at a meeting shall have issued an order under the last preceding section they may at a meeting grant a license for the use of any land as a market for the sale of provisions as aforesaid within the municipality

Power to grant licenses for markets

339. Every license granted under this Part shall be liable to the payment of a fee not exceeding twenty five rupees and shall be in force until the end of the year, and the Commissioners [shall as regards markets lawfully established at the time of the extension of this Part to the municipality and in all other cases] may grant such license year by year on the certificate in writing under the hand of the Chairman, annually renewed that the land is fit to be used as a market for the sale of provisions as aforesaid

Duration of licenses and terms on which granted

340. The Chairman upon the application in writing of the owner of any land, shall grant such certificate unless the land be defective for the purposes of a market in drainage, ventilation, water supply or proper width of paths and ways

Chairman bound to certify fit places

The owners or lessees of all land used as markets for the sale of provisions as aforesaid at the time of the extension of this Part to the municipality shall be entitled to receive a license for the current year without the certificate required by section 339, but in subsequent years the license shall not be renewed without such certificate

Existing markets

341. Every license under this Part shall be registered in a book to be kept for that purpose by the Commissioners in their office, in which shall be stated—

Licenses to be registered

- the name and address of the owner of the land and market,
- the name and address of the lessee thereof (if any),
- the extent and boundary of the market,
- the description of articles sold therein, and
- the days on which the market will be held

342. Every transfer of interest in any such market shall be registered within two months after the date of transfer

Transfer to be registered

¹ The words in square brackets in s. 339 were inserted by the Local Municipal (Amendment) Act, 1894 (Ben Act IV of 1894) s. 21, post

Unregistered markets to be deemed unlicensed.

343. Any market the license of which, or the transfer of interest in which, shall not have been duly registered under the two last preceding sections, shall be deemed to be land used as a market without a license.

Penalty for using unlicensed market.

344. Whoever, being the owner or occupier of any land, wilfully or negligently permits the same to be used as a market for the sale of meat, fish, butter, ghee, fruits, vegetables or similar provisions without license under section 338, shall be liable to a fine not exceeding two hundred rupees for every such offence, and to a further fine not exceeding forty rupees for each day during which the offence is continued after conviction of such offence.

Power to close unlicensed places.

345. The Magistrate, on the application of the Commissioners, may order any land, in respect of which a conviction shall have been obtained under the last preceding section, to be closed as a market-place, and thereupon may take order to prevent such land being so used; and every person who shall sell or expose for sale meat, fish, butter, ghee, fruits, vegetables or similar provisions on any land which shall have been so closed, shall be liable, for every such offence, to a fine not exceeding ten rupees.

PART XI.

OF THE REGISTRATION OF BIRTHS AND DEATHS.

Registration of births and deaths.

346. The Commissioners of any municipality, when required by the Local Government¹ to do so, shall provide for the registration of births and deaths within the limits of the municipality in accordance with the provisions of Bengal Act 4 of 1873 (*for registering births and deaths*),² or any other similar Act for the time being in force.

On requisition of Government, Commissioners to appoint sub-registrars at burning-ghâts and burial-grounds. Information required by Bengal Act 4 of 1873 to be given to such sub-registrar.

347. The Local Government¹ may require the Commissioners of any municipality to appoint and maintain at any burning ghât and burial-ground a sub-registrar for the registration of all corpses brought to such burning ghât or burial ground for cremation or interment.

348. Whenever a sub-registrar shall have been appointed for any burning ghât or burial-ground under the last preceding section, information of the particulars required by section 8 of Bengal Act 4 of 1873² to be known and registered may be given in respect of the death of any person whose body is brought to such burning ghât or burial-ground for cremation or interment

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III.

² The Bengal Births and Deaths Registration Act, 1873. Printed *ante*.

to such sub-registrar, and information so given shall be deemed to be information given to the registrar of the district as required by the said section

Section 9 of Bengal Act 4 of 1873¹ shall be applicable to all sub-registrars appointed under this Act

349. Whenever a death shall occur in any hospital within the limits of any municipality in respect of which the Local Government² has directed that all deaths shall be registered under Bengal Act 4 of 1873,¹ it shall be the duty of the medical officer in charge of such hospital forthwith to send a notice in writing of the occurrence of such death to the Commissioners in such form as the Local Government² may prescribe, and in such case no other persons shall be required to give information of such death to a registrar under Bengal Act 1 of 1873³ or to a sub-registrar under this Act

Information of deaths in hospitals

3 PART XIA

EXTINCTION AND PREVENTION OF FIRE

349A. For the prevention and extinction of fire, the Commissioners at a meeting may resolve to establish and maintain a fire brigade and to provide any implements, machinery, or means of communicating intelligence which the Commissioners may think necessary for the efficient discharge of their duties by the brigade

Establishment and maintenance of fire-brigade

349B. (1) On the occasion of a fire in a municipality, any Magistrate, any Municipal Commissioner, the Secretary to the Commissioners, any member of a fire-brigade maintained by the Commissioners, then and there directing the operations of men belonging to the brigade, and (if directed so to do by a Magistrate or by a Municipal Commissioner) any Police-officer above the rank of constable may—

Power of fire-brigade and other persons for suppression of fire

- (a) remove or order the removal of any person who by his presence interferes with or impedes the operations for extinguishing the fire, or for saving life or property,
- (b) close any street or passage in or near which any fire is burning,
- (c) for the purpose of extinguishing the fire, break into or through, or pull down, or use for the passage of any hose or other appliance any premises,
- (d) cause mains and pipes to be shut off so as to give greater pressure of water in the place where the fire has occurred,
- (e) call on the persons in charge of any fire-engine to render such assistance as may be possible,

¹ The Bengal Births and Deaths Registration Act, 1873. Printed note

² In Assam the Chief Commissioner—see the Bengal Bihar and Orissa and Assam Laws Act 1912 (VII of 1912) s. 3 and Sch. D. It. III

³ Part XIA was inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act. IV of 1894) s. 92, post.

(1) generally take such measures as may appear necessary for the preservation of life or property.

(2) No person shall be liable to pay damages for any act done by him under sub-section (1) of this section in good faith.

PART XII.

MISCELLANEOUS.

Power to
make bye-
laws.

350. The Commissioners of any municipality may from time to time, at a meeting which shall have been convened expressly for the purpose, and of which due notice shall have been given, frame such bye-laws as they deem fit, not being inconsistent with this Act or with any other general or special law, for -

¹(a) regulating traffic, and for the prevention of obstructions and encroachments, and of nuisances on or near roads ;

²(aa) prohibiting the letting-off of fire-arms, fire-works, fire-balloons or bombs, except (i) with the permission of the Commissioners or a member of the Ward Committee or a municipal officer empowered by the Commissioners in this behalf, and (ii) on payment of fees at such rates as may be sanctioned by the Commissioners at a meeting ;

¹(b) regulating the use of, and the prevention of nuisances in regard to, public water-supply, bathing and washing-places, streams, channels, tanks and wells ;

¹(c) regulating the disposal of sewage, offensive matter, carcasses of animals and rubbish, and the management of privies, drains, cess-pools and sewers ;

¹(d) regulating cremations and burials and the disposal of corpses ;

¹(e) preventing nuisances affecting the public health, safety or convenience ; and

¹(f) giving effect to the objects of this Act ;}

and may by such bye-laws impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of fifty rupees for each offence, and in case of a continuing offence, a further penalty not exceeding twenty rupees for each day after written notice of the offence from the Commissioners.

¹ Clause (a) and clauses (b) to (f) were substituted for the words " giving effect to the objects of this Act " by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 93, *post*.

² Clause (aa) was inserted by the Bengal Municipal (Amendment) Act, 1896 (Ben. Act II of 1896), s. 17, *post*.

¹ 350A. The Commissioners of a municipality wholly or in part situated in a hilly tract may at a meeting, in addition to such bye-laws as they may make under the last preceding section, make, repeal or alter bye-laws—
 for regulating or prohibiting the cutting or destroying of trees or shrubs, or the making of excavations or removal of soil or quarrying, where such regulation or prohibition appears to the Commissioners to be necessary for any or all of the following purposes—

Additional power to make bye-laws in hilly municipalities

- (a) the maintenance of a water-supply,
- (b) the preservation of the soil,
- (c) the prevention of landslips,
- (d) the formation of ravines or torrents,
- (e) the protection of land against erosion or the deposit thereon of sand gravel or stones

351. Bye laws made under this Act shall not take effect unless and until they have been submitted to, and confirmed by, the Local Government², nor shall such bye laws be confirmed—

Confirmation of bye laws

unless one month at least before the making of the application notice of the intention to apply for confirmation has been given in one or more of the local newspapers circulated within the municipality to which such bye laws relate, or if there be no such newspapers, then in such manner as the Commissioners may direct, and

unless for one month at least before any such application a copy of the proposed bye-laws has been kept at the office of the Commissioners and has been open during office hours thereto to the inspection of the inhabitants of the municipality to which such bye laws relate without fee or reward

The Commissioners shall on the application of any inhabitant of the municipality, furnish him with a copy of such proposed bye laws on payment of four annas for every hundred words contained in the copy

* * *

⁴ [The Local Government² may cancel its confirmation of any such bye-law, and thereupon the bye-laws shall cease to have effect]

Local Government may cancel its confirmation of any bye-law

³ 351A. (f) The Commissioners at a meeting may from time to time make, repeal or alter rules as to—

Power to make rules as to meetings

- (a) the time and place of their meetings, the business to be transacted at

¹ S. 350A was inserted by the Bengal Municipal (Amendment) Act, 1891 (Ben. Act IV of 1891) s. 91, post.

² In Assam the Chief Commissioner—see the Bengal Bihar and Orissa and Assam Laws Act 1912 (VII of 1912) s. 7 and Sch. D Pt III ante.

³ The paragraph of s. 351 which was repealed by Ben. Act IV of 1891 s. 92, is omitted.

⁴ This paragraph was added by s. 95 of the same Act post.

⁵ S. 351A was inserted by the same Act, s. 95, post.

meetings, and the manner in which notice of meetings shall be given ;

(b) the conduct of proceedings at meetings, the due record of all dissents and discussions, and the adjournment of meetings ;

(c) the custody of the common seal ;

(d) the division of duties among the Commissioners, and the powers to be exercised by sub-committees or members to whom particular duties are assigned ;

(e) the persons by whom receipts shall be granted for money received under this Act ;

¹[(f) the duties, appointment, leave, fining, suspension and removal of municipal officers and servants ;] and

(g) other similar matters.

(2) Rules made under this section, consistent with this Act, shall be subject to the sanction of the Local Government,² and shall, if sanctioned, be published in such manner as the Local Government² may direct, and shall have the force of law.

Commissioners may direct prosecution for public nuisance, etc.

352. The Commissioners may direct any prosecution for any public nuisance, and may order proceedings to be taken for the recovery of any penalties under this Act, and for the punishment of any persons offending against the same, and may order the expenses of such prosecution or other proceedings to be paid out of the municipal fund.

No prosecution for an offence under this Act to be instituted without consent of Commissioners.

353. No prosecution for an offence under this Act or any bye-law made in pursuance thereof shall be instituted without the order or consent of the Commissioners, and no such prosecution shall be instituted except within ³[six] months next after the commission of such offence, unless the offence is continuous in its nature, in which case a prosecution may be instituted within ³[six] months of the date on which the commission or existence of the offence was first brought to the notice of the Chairman of the Commissioners :

Provided that the failure to take out any license under this Act shall be deemed to be a continuing offence until the expiration of the period for which such license is required to be taken out.

Publication of bye-laws, etc.

354. Every bye-law, order, notice or other document directed to be published under this Act shall be written in, or translated into, the vernacular of the district, and deposited in the office of the Commissioners, and a copy shall be posted up in a conspicuous position at such office, and in such other public places as the Commissioners may direct.

¹ This clause (f) was substituted for the former clause (f) by the Bengal Municipal (Amendment) Act, 1896 (Ben. Act II of 1896), s. 18, *post*.

² In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III, *ante*.

³ The word "six," in s. 353, was substituted for the word "three" by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 97, *post*.

And a public proclamation shall be made throughout such municipality by beat of drum, notifying that such copy has been so posted up, and that the original is open to inspection in the office of the Commissioners

355. Fines under this Act may be imposed by a Magistrate on any person Levy of fines who is convicted of the offence to which the fine attaches, and may be levied under the provisions of the Code of Criminal Procedure, 1882¹

356. Every notice, bill, form, summons or notice of demand under this Act may be served personally on, or presented to, the person to whom the How notice, etc., may be served same is addressed,

or be left at his usual place of abode with some adult male member or servant of his family,

or if it cannot be so served, presented or delivered may be put on some conspicuous part of his place of abode,

or of the land building or other thing in respect of which the notice, bill, form, summons or notice of demand is intended to be served

357. When any notice is required to be given to the owner or to the occupier of any land, such notice, addressed to the owner or occupier, as the case may require may be served on the occupier of such land, or otherwise in the manner in the last preceding section mentioned Service of notice on owner or occupier of land

Provided that, when the owner and his place of abode are known to the Commissioners or other authorities issuing the notice, they shall, if such place of abode be within the limits of their authority, cause every notice required to be given to the owner of any land to be served on such owner, or left with some adult male member or servant of his family,

and if the place of abode of the owner be not within such limits, they shall send every such notice by post in a registered cover addressed to his place of abode, and such service shall be deemed to be good service of the notice

When the name of the owner or occupier is not known, it shall be sufficient to designate him as "the owner" or "the occupier" of the land in respect of which the notice is served

358. No assessment or rating of tax on property shall be invalid for error or defect of form, and it shall be enough in any assessment, valuation or rating for the purpose of making such tax if the property so assessed or valued is so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof Tax not invalid for want of form

359. Every person to whom a license has been granted under this Act shall at all reasonable times while such license shall remain in force, if there unto required by the authorities which granted the license or by any person authorized by them in that behalf produce such license to the said authorities or to the person so authorized Holder of license to produce it when required

¹ Act No. of 1882 has been repealed and re-enacted by the Code of Criminal Procedure 1898 (Act No. of 1898) and the reference should now be taken to be made to the latter Act—s. 2(1) thereof in Genl. Acts Vol. V

Penalty.

Whoever fails to produce his license when required to produce the same by any person authorized under this section to demand the production thereof shall be liable to a fine not exceeding one hundred rupees.

Recovery of moneys due to the Commissioners.

360. All costs, expenses, fees, tolls or other moneys due under this Act to the Commissioners of any municipality may be recovered in the manner provided in sections 120 to 129 (both inclusive).

Power to sell unclaimed holdings for money due.

361. If money be due under this Act in respect of any holding from the owner thereof, on account of any tax, expenses or charges recoverable under this Act, and if the owner of such holding is unknown or the ownership thereof is disputed, the Commissioners may publish twice, at an interval of three months, a notification of sale of such holding, and, after the expiry of not less than three months from the date of the last publication, unless the amount recoverable be paid, may sell such holding to the highest bidder, who shall, at the time of sale, deposit the full amount of the purchase-money.

After deducting the amount due to the Commissioners as aforesaid, the surplus sale-proceeds (if any) shall be credited to the municipal fund, and may be paid on demand to any person who establishes his right to the satisfaction of such Commissioners or in a Court of competent jurisdiction.

Any person may pay the amount due at any time before the completion of the sale, and may recover such amount by a suit in a Court of competent jurisdiction from any person beneficially interested in such property.

Compensation for damages.

362. The Commissioners may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers conferred by this Act.

No action to be brought against the Commissioners or their officers until after one month's notice of cause of action.

363. No suit shall be brought against the Commissioners of any municipality, or any of their officers, or any person acting under their direction, for anything done under this Act, until the expiration of one month next after notice in writing has been delivered or left at the office of such Commissioners and also (if the suit is intended to be brought against any officer of the said Commissioners or any person acting under their direction) at the place of abode of the person against whom such suit is threatened to be brought, stating the cause of suit and the name and place of abode of the person who intends to bring the suit ;

and, unless such notice be proved, the Court shall find for the defendant.

Every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards.

If the Commissioners or their officer, or any person to whom any such notice is given, shall, before suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

Chaukidari chakaran lands.

364. Notwithstanding anything contained in section 3 of Bengal Act 6 of 1870 ¹ (*an Act to provide for the appointment, dismissal and maintenance of village-chaukidars*), the provisions of Part II of the said Act, relating to

chaulidari chakaram lands, shall be applicable to all such lands which have been assigned before the commencement of the said Act for the benefit of any part of a municipality, and all duties and functions which the panchayat of a village or any member thereof is required to discharge under the provisions of the said Part shall be discharged and all powers which the panchayat of a village or any member thereof is authorized to exercise under the said Part shall be exercised by the Commissioners of such municipality, and the proceeds of the assessment on such lands made under the said Part shall be paid into the municipal fund, and shall be available for the purposes of such fund,

365. All police officers shall give immediate information to the Commissioners of the municipality of any offence committed against this Act ^{Police-officer to report offences and arrest persons refusing to give name and residence,} [or any bye-law made in pursuance thereof]

When any person in the presence of a police officer commits or is accused of committing, any such offence and refuses on demand of a police-officer, to give his name and residence or gives a name or residence which such officer has reason to believe to be false he may be arrested by such officer in order that his name or residence may be ascertained and he shall, within twenty-four hours from the arrest be forwarded to the nearest Magistrate, unless before the expiration of that time his true name and residence are ascertained, in which case he shall be released on his executing a bond for his appearance before a Magistrate, if so required

[Upon the recommendation of the Commissioners any servant of the Commissioners in receipt of a salary of not less than ten rupees per mensem, when empowered in that behalf by a general or special order of the District Magistrate,² may exercise the powers of a police-officer under this section]

366. If any person employed under this Act (not being a public servant ^{personally on} within the meaning of section 21 of the ^{officers etc} Indian Penal Code) shall accept ^{taking un} or obtain, or agree to accept or attempt to obtain, from any person for himself ^{authorised} or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing or forbearing, to do any official act, or for showing or forbearing to show in the exercise of his official functions favour or disfavour to any person, or for rendering or attempting to render, any service or disservice to any person with the Commissioners or with any public servant or with the Government in the discharge of his official duties he shall be punished with imprisonment, either simple or rigorous, as provided in section 53 of the ^{Section 53 of the} Indian Penal Code for a term which may extend to three years or with a fine not exceeding five thousand rupees or with both

¹ The words "or any bye-law made in pursuance thereof" in s. 365 were inserted by the Bengal Municipal (Amendment) Act 1891 (Ben. Act IV of 1891) s. 68, p. 1

² This paragraph was added by the same Act s. 68, p. 1

³ In Assam the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Sijdi 1901 p. 12.

⁴ Printed in Genl. Acts, Vol. I

Saving clause.

367. Nothing in this Act contained shall be construed to—

- (a) render lawful any act or omission on the part of any person which, but for this Act, would by law be deemed to be a nuisance ;
- (b) exempt any person guilty of nuisance from a suit in respect thereof ;
- (c) affect any enactment not hereby expressly repealed.

THE FIRST SCHEDULE.

(See sections 8 and 17.)

Municipalities in which the Commissioners shall be appointed by the Local¹ Government.

District.

Municipality.

[The entries are inapplicable to Assam and are omitted.]

THE SECOND SCHEDULE.

(See sections 8 and 23.)

Municipalities in which the Chairman shall be appointed by the Local¹ Government.

District.

Municipality.

[The entries are inapplicable to Assam and are omitted.]

THE THIRD SCHEDULE.

FORM A.—(See section 112.)

Notice to be published of the preparation of the List of Assessment on Persons.

BENGAL MUNICIPAL ACT, 1884.

(Section 112.)

MUNICIPALITY OF

Whereas an assessment list of the tax upon persons occupying holdings has been deposited in the office of the Commissioners as required by section 112 of the Bengal Municipal Act, 1884, notice is hereby given that the said list is open to the inspection of all persons desiring to inspect the same at the office of the said Commissioners during office hours on any day not being a

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act. 1912 (VII of 1912) s. 3. and Sch. D. Pt. III.

close holiday, and that the several persons whose names are included in the said assessment are hereby required to pay the quarterly instalments set opposite to their names with regularity at the office appointed by the Commissioners for the receipt of the same, or to the tax-collector or other officer authorized to receive payment, the first payment to be made on the first day of (), and every subsequent payment on or before the first day of (), the first day of () and the first day of () or in default thereof any arrear that may be due will be realized by distress and sale of the moveable property belonging to the defaulter or which may be found on the holding in respect of which such defaulter is assessed, and by such other proceedings as are allowed by law

Dated this day of

A B,

Chairman of Commissioners.

FORM B—(See section 112)

Notice to be published of the preparation of the Valuation and Rating List of Holdings

BENGAL MUNICIPAL ACT, 1884

(section 112)

MUNICIPALITY OF

Whereas a valuation and rating list of the rate on the annual value of holdings has been deposited in the office of the Commissioners as required by section 112 of the Bengal Municipal Act, 1881, notice is hereby given that the said list is open to the inspection of all persons desiring to inspect the same at the office of the said Commissioners during office hours on any day not being a close holiday, and that the several owners of the holdings included therein are hereby required to pay the quarterly instalment set opposite to their names with regularity at the office appointed by the Commissioners for the receipt of the same, or to the tax collector or other officer authorized to receive payment, the first payment to be made on the first day of () and every subsequent payment on or before the first day of (), the first day of () and the first day of (), and in default thereof any arrears that may be due will be realized by distress and sale of the moveable property belonging to the defaulter, or which may be found on the holding in respect of which the valuation is made, and by such other proceedings as are allowed by law

Dated this day of .

A B,

Chairman of Commissioners

THE FOURTH SCHEDULE.

FORM A.—(See section 120.)

Notice of demand under section 120.

BENGAL MUNICIPAL ACT, 1884.

To

MUNICIPALITY OF

Take notice that the sum of Rs. , being the amount due from you as shown in the accompanying bill, is hereby demanded from you, and that if you do not within fifteen days pay the same to an officer authorized to receive payment, or into the office of the Municipal Commissioners, the amount together with costs will be levied by distress and sale of your goods and chattels, or otherwise as provided by law.

A. B.,

Chairman of Commissioners.

[The following note will be added at the foot of the above notice in those cases only in which the notice is to be addressed to a person who has not already paid one instalment of the tax at the rate at which the demand is made.]

NOTE.—If you have any objection to make against this demand, you may, instead of paying the amount which is hereby demanded, present a petition to the Commissioners praying for a review of the amount assessed (or rated). Such petition must be presented within fifteen days of the service of this notice, otherwise it will not be received. If you present such petition, no amount will be levied from you until the Commissioners shall have passed an order on your petition; but after fifteen days from such order the amount due by you, with such costs as the Commissioners may direct, will be levied unless it has been previously paid.

FORM B.—(See section 121.)

TABLE OF FEES PAYABLE UPON DISTRAINTS UNDER THIS ACT.

| Sums distrained for. | | | | | | | | | | Fee. |
|----------------------|-----|-----|---|---|---|---|---|---|---|--------|
| | | | | | | | | | | Rs. A. |
| Under 1 rupee | . | . | . | . | . | . | . | . | . | 0 4 |
| 1 and under 5 rupees | . | . | . | . | . | . | . | . | . | 0 8 |
| 5 | „ | 10 | „ | . | . | . | . | . | . | 1 0 |
| 10 | „ | 15 | „ | . | . | . | . | . | . | 1 8 |
| 15 | „ | 20 | „ | . | . | . | . | . | . | 2 0 |
| 20 | „ | 25 | „ | . | . | . | . | . | . | 2 8 |
| 25 | „ | 30 | „ | . | . | . | . | . | . | 3 0 |
| 30 | „ | 35 | „ | . | . | . | . | . | . | 3 8 |
| 35 | „ | 40 | „ | . | . | . | . | . | . | 4 0 |
| 40 | „ | 45 | „ | . | . | . | . | . | . | 4 8 |
| 45 | „ | 50 | „ | . | . | . | . | . | . | 5 0 |
| 50 | „ | 60 | „ | . | . | . | . | . | . | 6 0 |
| 60 | „ | 80 | „ | . | . | . | . | . | . | 7 8 |
| 80 | „ | 100 | „ | . | . | . | . | . | . | 9 0 |
| Above | 100 | „ | . | . | . | . | . | . | . | 10 0 |

The above charge includes all expenses, including the service of notice of demand, except when peons are kept in charge of property distrained in which case three annas must be paid daily for each man. If the amount demanded be paid or the warrant discharged before the sale is held so that no sale is necessary, one fourth of the fees specified in the above table shall be remitted.

FORM C—(See section 122)

Distress Warrant

BENGAL MUNICIPAL ACT, 1884 (section 122)

To (here insert the name of the officer charged with the execution of warrant)

Whereas _____ of _____ has not paid or sufficient cause for the non payment of the sum of _____ due for taxes (or rates) mentioned in the margin, although the said sum been duly demanded in writing from the said _____, fifteen days have elapsed since the service of the notice of demand, Thus to require you to distrain the moveable property of the said _____ wherever it may be found within the municipality, except ploughs, pl. cattle, tools or implements of trade or agriculture or any other moveable property, subject to the same exceptions which may be found within the holding specified in the margin to the amount of the said sum of _____ and the further sum of _____ to defray the charges of taking keeping and selling such property, and if within ten days next after such distress the said sum of _____ shall not be paid to sell the said property, and having paid and deducted out of the proceeds of the sale the said sum of _____ and the charges of taking keeping and selling such property, to return the surplus (if any) on demand to the person whom you shall have found in possession of the said property and if no demand be made, to pay the same to the Commissioners. If distress cannot be made of sufficient property of the said _____, you are to certify the same to us in returning this warrant

A B,
Chairman of
2 x 2

FORM D.—(See section 122).

Form of Inventory and Notice.

BENGAL MUNICIPAL ACT. 1884 (section 122).

(State particulars of goods seized.)

Take notice that I have this day seized the property specified in the above inventory for the sum of _____ due for the taxes (or rates) mentioned in the margin, and that unless you pay to me or into the office of the Commissioners of _____ the said sum of _____ and the further costs of this distraint as specified below, within ten days from the day of the date of this notice, the property will be sold.

(Signature of the officer executing
the warrant of distress.)

Costs of distraint—

Date _____

FORM E.—(See section 124.)

*Register of distraints of property and sales held on account of arrears for the
month of _____ in _____*

1. Name of defaulter.
2. Number on register and specification of the holding on account of which the arrear is due.
3. Amount of arrear due.
4. Amount of costs and penalty.
5. Total amount to be realized.
6. Inventory of property seized under distress.
7. Date of distress.
8. Date of sale.
9. Detail of articles sold.
10. Amount realized on each article.
11. Purchaser's name.
12. Total amount realized.
13. Amount paid into the Commissioners' office on account of the arrear due, with date.
14. Amount paid into the Commissioners' office on account of costs and penalties.
15. Surplus proceeds of sale remaining after deducting the amount of arrears, costs, penalties due.
16. How the surplus was disposed of, with date of such disposal.
17. Balance of arrear still remaining unrealized, if any.
18. On what date such remaining balance was realized or written off by authority.
19. Remarks (explaining why the property seized was released without sale if not eventually sold, etc., etc.)

THE FIFTH SCHEDULE.

(See sections 86 and 131.)

TAX ON CARRIAGES AND ANIMALS.

| | Per quarter. Rs. A. |
|---|---------------------------|
| For every 4-wheeled carriage drawn by two horses | 4 8 |
| For every 4-wheeled carriage drawn by one horse or a pair of ponies under 13 hands | 3 0 |
| ¹ [For every 4-wheeled carriage drawn by one pony under thirteen hands | 2 8] |
| For every 2-wheeled carriage | 2 8 |
| For every horse | 2 0 |
| For every pony under 13 hands, and for every mule and donkey | 0 12 |
| For every elephant | 6 0 |
| For every camel | 2 0 |

Carrriages the wheels of which do not exceed twenty-four inches in diameter are exempted

THE SIXTH SCHEDULE

(See sections 2 and 4)

Act of the Governor General in Council.

| Number and year | Subject | Extent of repeal. |
|-----------------|--|---|
| 21 of 1857. | To make better provision for the order and good government of the station of Howrah. | Sections 4, 5, 6, 8, 9, 16, 17, 24, 33, 34, 35, 36, 37, 39, 46. |

Acts of the Lieutenant-Governor of Bengal in Council

| Number and year | Subject | Extent of repeal |
|-----------------|---|------------------|
| 5 of 1873 . . . | To provide for the levy of a lighting rate in Howrah | The whole Act |
| 5 of 1876 . . . | To amend and consolidate the law relating to municipalities | Ditto |
| 6 of 1878 . . . | To provide for the cleansing and construction of latrines in first class municipalities | Ditto |

¹ The words and figures in square brackets in the Fifth Schedule were inserted by the Bengal Municipal (Amendment) Act, 1894 (Ben. Act IV of 1894), s. 99, post.

BENGAL ACT 1 OF 1886

[THE BENGAL VILLAGE-CHAUKIDARI (AMENDMENT) ACT, 1886].¹

[2nd June, 1886.]

An Act to further amend the Village-chaukidari Act, 1870.²

Preamble

WHEREAS it is expedient to further amend the Village-chaukidari Act, Ben. Act VI of 1870.²; It is enacted as follows:—

PRELIMINARY.

Extent

1. This Act shall be read with, and taken as part of, Bengal Act 6 of 1870,² as amended by Bengal Act 1 of 1871²;

Commence-
ment.

And it shall come into force in all districts to which Bengal Act 6 of 1870,² as amended by Bengal Act 1 of 1871,² has been extended * * * 3.

2. [New section substituted for section 3.] *Rep. by the Repealing and Amending Act, 1897 (5 of 1897).*

New section
substituted
for section 6.

3. For section 6 the following shall be substituted:—

6. [Printed *ante*, p. 366.]

Amendment
of section 8.

4. In section 8, for the words “fifteen days” shall be substituted the words “thirty days,” and for the words “two years” shall be substituted the words “three years.”

New section
substituted
for section 9.

5. For section 9 the following shall be substituted:—

9. [Printed *ante*, p. 367.]

New sections
to follow
section 9

6. After section 9 the following shall be inserted:—

9A, 9B. [Printed *ante*, p. 367.]

Amendment
section 22.

7. In section 22, for the words “six per cent” shall be substituted the words “ten per cent.”

8. [Amendment of section 39.] *Rep. by the Repealing and Amending Act, 1897 (5 of 1897).*

¹ SHORT TITLE.—This short title was given by the Repealing and Amending Act, 1903 (I of 1903), Sch. I—*see ante*.

LEGISLATIVE PAPERS.—For Statement of Objects and Reasons, *see* Calcutta Gazette, 1886, Pt. IV, p. 9; for Report of Select Committee, *see ibid* page 13; and for Proceedings in Council, *see ibid*, Suppl., pp. 144, 189, 493, 616 and 736.

LOCAL EXTENT.—This Act has been extended, by notification under the Scheduled Districts Act, 1874 (XIV of 1874), s. 5, to the districts of Cachar, Goálpára and Sylhet—*see* Table B, Appendix I to this Volume.

The application of Ben. Act I of 1886 is barred in the Lushai Hills, by notification—*see* Table C in Appendix II to this Volume.

² Printed *ante*.

³ The words “from the date on which it may be published in the Calcutta Gazette with the assent of the Governor General,” which were repealed by the Repealing and Amending Act, 1903 (I of 1903), are omitted.

9. In section 41, after the words "such member shall himself report the same" and before the words "to such officer" shall be inserted the following:—

"or cause the same to be reported"

10. For section 43 the following shall be substituted:—

43. [Printed *ante*, p. 373]

New section substituted for section 4

11. For section 44 the following shall be substituted.—

44. [Printed *ante*, p. 374.]

New section substituted for section 4

12. In section 45 for the words "shall issue his warrant" shall be substituted the words "may issue his warrant," and at the end of the section the following shall be added —

[Printed *ante*, p. 374.]

Amendment of section 45

13. After section 46 the following shall be inserted:—

46A. [Superseded by the Bengal Village-chaukidars (Amendment) Act, 1892 (Ben. Act I of 1892), s. 17, printed *post*.]

New section to follow section 46

46B. [Printed *ante*, p. 375]

BENGAL ACT 3 OF 1886

[THE BENGAL MUNICIPAL (AMENDMENT) ACT, 1886]¹.

[16th October, 1886]

An Act to amend * * * ²Act 3 B. C. of 1884.

WHEREAS it is expedient to amend * * *² Bengal Act 3 of 1884; It is enacted as follows:—

1. [Commencement of Act.] Rep. by the Repealing and Amending Act, 1903 (I of 1903).

2. For * * *² section 251 of Bengal Act 3 of 1884 the following shall be substituted:—

[Printed *ante*, p. 628.]

New section substituted for section 251 of Ben. Act III of 1884.

3. After * * *² section 251 of Bengal Act 3 of 1884 the following sections shall be inserted.—

A to D. [Printed *ante*, p. 629.]

New section to follow section 251 of Ben. Act III of 1884

¹ SHORT TITLE.—This short title was given by the Repealing and Amending Act, 1903 (I of 1903), Sch. I—see *ante*

LEGISLATIVE PAPERS.—For Bill, see Calcutta Gazette, 1886, Pt. IV, p. 129; for Proceedings in Council see *ibid.*, 8 ppl., pp. 1503, 1567.

LOCAL EXTENT.—This Act is in force in the Municipalities and places in Assam, to which the Bengal Municipal Act, 1884 (Ben. Act III of 1884) has been extended

² Ben. Act III of 1884, so far as it amended Ben. Act IV of 1876 (the Calcutta Municipal Consolidation Act, 1876), having been repealed by Ben. Act II of 1888 (the Calcutta Municipal Consolidation Act, 1888), the references to the said Ben. Act IV of 1876 have here been omitted.

(THE CALCUTTA SURVEY ACT, 1887.)

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4. Superintendent may enter upon land.
5. Superintendent to give notice before entering on land.
6. Persons summoned failing to appear are bound by the survey.
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8. Procedure in case of dispute as to boundaries.
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10. After inquiry, Assistant Superintendent to record his decision.
11. An appeal shall lie to the Board of Revenue.
12. Power to refer to arbitration.
13. On failure of an arbitrator to act, another may be appointed.
14. Appointment of an umpire.
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16. On failure to make an award Assistant Superintendent may supersede the arbitration.
17. The award.
18. Superintendent may erect boundary-marks.
19. Maintenance of temporary boundary-marks.
20. All documents connected with the survey to be sent to the Municipal office.
21. Approval of the survey by the Local Government to be notified.
22. No suit shall lie unless brought within one year.
23. Local Government may make rules under the Act.
24. How notices may be served.
25. Penalty for failure to comply with requisition in notice.
26. Proceedings not to be affected by informality.
27. [Omitted.]

BENGAL ACT 1 OF 1887.¹

(THE CALCUTTA SURVEY ACT, 1887)

[2nd February, 1887]

An Act to provide for a Survey of the Town of Calcutta

WHEREAS it is expedient to provide for the survey and demarcation of Preamble
land in the town of Calcutta, It is hereby enacted as follows —

1. This Act shall be called the Calcutta Survey Act, 1887, Short title
[Commencement] *Rep by the Repealing and Amending Act, 1903 (1 of 1903)*

It extends to the town of Calcutta within the local limits of the ordinary Local extent
original civil jurisdiction of Her Majesty's High Court of Judicature at Fort
William in Bengal

2. In this Act, unless there be something repugnant in the subject or Interpretation-clause
context,—

"survey" includes identification of boundaries and all other operations "Survey"
antecedent to, or connected with, survey

"Superintendent" means the Superintendent of Survey under this Act 'Superintendent'

"land" includes anything attached to the earth or permanently fastened "Land"
to anything attached to the earth

"premises" means any land described as such in the registers of the Cor- Premises"
poration of the town of Calcutta or as a holding in the registers of the
Calcutta Collectorate

"owner" includes—

"Owner"

(a) the person having permanent interest in any land or premises,

(b) an agent of, or manager on behalf of, such person.

(c) a trustee of such person,

(d) a body corporate in which land is vested by operation of Statute

3. The Local Government² may, whenever it thinks fit, order, by a noti Local Government
fication in the Calcutta Gazette,² that a survey shall be made of the land may
situated in the Town of Calcutta, and for such purpose may appoint a order survey
and appoint
Superintendent.

¹ LEGISLATIVE PAPERS.—For Statement of Objects and Reasons, see Calcutta Gazette, 1886, Pt. IV, p. 141, and for Proceedings in Council, see *ibid*, Suppl., pp. 2481, 2531 *ibid*, 1887, Suppl., pp. 91 and 98

² In Assam, the Chief Commissioner and Assam Gazette, respectively—see the Bengal Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D, Pt. III

Superintendent of Survey, and one or more Assistant Superintendents of Survey.

The Assistant Superintendents of Survey shall exercise such powers as may be delegated to them by the Superintendent.

Superintend-
ent may en-
ter upon
land.

4. The Superintendent of Survey shall, for the purposes of this Act, have power, either by himself or by an Assistant Superintendent of Survey or by other officers employed in the survey, to enter, between the hours of sunrise and sunset, upon any land or premises within the local limits aforesaid, without being liable to any legal proceedings whatsoever on account of such entry, or of anything done on such land or premises in pursuance of this Act:

Provided that no such entry shall be made upon lands or premises which may be occupied at the time, unless with the consent of the occupier thereof, or without previously giving the said occupier twenty-four hours' notice of the intention to do so.

Superin-
tendent to
give notice
before en-
tering on
land.

5. Before entering on any land or premises for the purposes of survey, the Superintendent may cause a notice in writing under his hand to be served on the owner of the land or premises about to be surveyed, and on the owners of conterminous lands or premises, calling upon them to attend either personally or by agent on such land or premises before him or before such officer as may be authorized by him in that behalf, within a specified time (which shall not be less than three days after the service of such notice) for the purpose of pointing out boundaries, and of affording such information as may be needed for the purposes of this Act; and every person on whom such notice may be served shall be legally bound to attend as required by the notice, and to give any information which may be required so far as he may be able to give it.

Persons
summoned
failing to
appear are
bound by
the survey.

6. If, after due service of notice under the last preceding section, any person fails to appear without showing sufficient cause to the satisfaction of the Superintendent, the Superintendent, or such officer as may be authorized by him, may proceed with the survey; and the person who is so absent shall be bound by the results of the survey in the same manner and to the same extent as if the survey were made in his presence.

In case of
dispute,
Assistant
Superin-
tendent to
hold an
inquiry.

7. If in the course of survey it shall come to the notice of the Superintendent that a dispute exists as to any boundaries which should be surveyed, the Superintendent shall cause an inquiry to be held by an Assistant Superintendent, as hereinafter provided, for the purpose of determining such boundaries.

Procedure in
case of
dispute as to
boundaries.

8. When any dispute exists as to any boundaries, the Assistant Superintendent who may be authorized by the Superintendent in this behalf shall cause a notice in writing under his hand to be served on the parties concerned requiring them to appear before him, in person or by an authorized agent, on a specified day, and to produce evidence of possession of the land in dispute.

The Assistant Superintendent shall, on the specified day, or on such other day to which the hearing may be adjourned hear the parties, receive the evidence produced by them respectively, consider the effect of such evidence take such further evidence as he may think necessary, and, without reference to the merits of the claim of any of such parties to a right to possess the land in dispute, decide which of the parties is in possession of the said land at the time of the survey

9. For the purposes of the inquiry aforesaid, the Assistant Superintendent shall have power to summon and enforce the attendance of witnesses and compel the production of documents by the same means and in the same manner as if provided in the case of a Court under the Code of Civil Procedure ¹

Power of Assistant Superintendent to enforce the attendance of witnesses After inquiry, Assistant Superintendent to record his decision

10. After the inquiry has been completed, the Assistant Superintendent shall pass an order in writing defining clearly the subject of dispute, and shall record his decision and the reasons for such decision

11. An appeal shall lie from any order passed by an Assistant Superintendent under the last preceding section to the Board of Revenue,² or to such other authority as the Local Government³ may, by notification in the Calcutta Gazette,⁴ appoint in this behalf, if preferred within thirty days from the date of such order

An appeal shall lie to the Board of Revenue

12. In every case of disputed boundaries the Assistant Superintendent authorized to hold the inquiry may, on the written application of the parties, refer the dispute to one or more arbitrators nominated by the parties respectively, and shall fix such time, and allow such extension of time, as may seem reasonable for the delivery of the award

Power to refer to arbitration

Provided that, if it appears to the Assistant Superintendent that the Local Government³ or the Corporation of Calcutta is interested in any such dispute he shall appoint, in the former case, the Collector or Deputy Collector of Calcutta, and, in the latter case, the Chairman, Vice-Chairman or Surveyor of the Corporation one of the arbitrators unless the parties agree to such officer being appointed sole arbitrator

13. Where an arbitrator nominated by a party refuses to act or becomes incapable of acting by reason of death or other sufficient cause, the party by whom he was nominated may, by a written application to the Assistant Superintendent, nominate another arbitrator, and, on being satisfied that the application has been made on sufficient grounds, he shall confirm such nomination, and the arbitrator so appointed may thereupon proceed with the inquiry

On failure of an arbitrator to act another may be appointed

¹ See now the Code of Civil Procedure 1908 (Act V of 1909) Genl Acta Vol VI

Assam Laws

ly—see the D Pt III

Appointment
of an umpire.

14. If the arbitrators differ the award shall be in accordance with the opinion of the majority, if they are equally divided in opinion, it shall be competent to them or to the Assistant Superintendent, on the written application of the arbitrators or of the parties to the arbitration, to appoint an umpire, and the decision of the umpire determining the boundaries in dispute shall have the force of an award of the arbitrators.

Power to enforce attendance of witnesses in an arbitration.

15. The Assistant Superintendent shall, on the application of the arbitrators or umpire, issue the same processes to parties and witnesses as he may issue in inquiries held by himself.

On failure to make an award, Assistant Superintendent may supersede the arbitration. The award.

16. If the arbitrators or the umpire appointed under the preceding sections fail to deliver the award within the time allowed by the Assistant Superintendent, he may make an order superseding the arbitration, and in such case he shall proceed with the inquiry.

17. The award shall be made in writing, and shall be signed by the persons making it, and shall be filed in the office of the Superintendent, with any evidence which may have been taken by the arbitrators or the umpire.

The Superintendent shall lay down the boundaries in accordance with the award.

Superintendent may erect boundary-marks.

18. The Superintendent may at any time cause to be erected, on any land which is to be, or has been, surveyed under this Act, temporary or permanent boundary-marks of such materials and in such number and manner as he may determine to be sufficient.

Maintenance of temporary boundary marks.

19. When any temporary boundary-mark has been erected under the last preceding section, the Superintendent may cause a notice in writing under his hand to be served on the owner or persons in occupation of the land or premises whereon, or adjoining which, such boundary-mark is situate, requiring him to maintain and keep in repair such boundary-mark till the survey has been completed.

All documents connected with the survey to be sent to the Municipal Office.

20. After the survey of any part of the town has been completed, the Superintendent shall deposit all maps, field-books, proceedings, awards and all other documents connected with the survey of such part in the Municipal office of the Corporation of Calcutta.

Any person interested in the survey may, at any time within two months from the date of such deposit, which date shall be notified in the Calcutta Gazette,¹ inspect such documents free of charge.

And, if during such period any objection to the survey be lodged with the Superintendent, such objection shall be decided by the Superintendent or by such officer as the Local Government¹ may appoint in this behalf.

¹ In Assam, the Assam Gazette and Chief Commissioner, respectively—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, and Sch. D. Pt. III.

21. After all objections lodged under the last preceding section have been decided, the Local Government¹ shall, if it approves the survey, signify such approval by notification in the Calcutta Gazette²

Approval of the survey by the Local Government to be notified

22. No suit shall lie to set aside any demarcation of boundaries made under the provisions of this Act unless brought within one year from the date of the notification mentioned in the last preceding section

No suit shall lie unless brought within one year

23. The Local Government² may lay down rules, not being inconsistent with this Act, to provide for the preparation of maps and for the collection and record of any information in respect of any land to be surveyed under this Act, and generally for the proper performance of all things to be done and for the regulation of all proceedings to be taken under this Act

Local Government may make rules under the Act

24. Every notice in and by this Act required to be served on any person may be served—

How notices may be served

(a) by delivering the same to the person to whom it is directed, or, on failure of such service, by posting the same on some conspicuous part of the house in which the said person usually resides or holds his office, or carries on his business, or by delivering the same to an agent or servant of such person, or to a male adult member of his family, and by fixing a copy on some conspicuous part of the land or premises to which it relates, or

(b) by sending a registered cover through the post office containing such notice directed to the said person at the place where he resides

Provided that, after the publication of the notification referred to in section 21, no survey made under this Act shall be vitiated for any defect in the service of notice

25. Whoever fails to comply with a requisition contained in any notice duly served under section 5 or section 8 of this Act shall be liable to a fine not exceeding one hundred rupees

Penalty for failure to comply with requisition in notice
Proceedings not to be affected by informality

26. No proceedings under this Act shall be affected by reason of any informality, provided the directions of this Act be in substance and effect complied with, and no proceedings under this Act shall be affected by reason of the omission to serve any notice on an owner whose name is not registered as owner in the Calcutta Collectorate or in the registers of the Corporation of the Town of Calcutta

27. [Power to extend this Act to the Suburbs of Calcutta] Omitted, as being inapplicable to Assam

¹ In Assam the Chief Commissioner and the Assam Gazette, respectively—see the Bengal Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912) s 3 and Sch D Pt III

BENGAL ACT 2 OF 1887.

[THE BENGAL VACCINATION (AMENDMENT) ACT, 1887.]¹

[9th March, 1887.]

An Act to amend Bengal Act 5 of 1880.²

Preamble. WHEREAS it is expedient to amend the Bengal Vaccination Act, 1880²; Ben. Act V of 1880.
It is enacted as follows :—

Preliminary.

Construction of Act. 1. This Act shall be read with, and taken as part of, the Bengal Vaccination Act, 1880.² Ben. Act V of 1880.

[Commencement.] *Rep. by the Repealing and Amending Act, 1897 (5 of 1897).*

Interpretation. 2. In this Act, unless there be something repugnant in the subject or context,—

"Vessel." "vessel" includes anything made for the conveyance by water of human beings or of property.

Vaccination of Children.

Amendment of section 3. 3. In section 3, immediately before the last paragraph, the following shall be inserted :—

[Printed *ante*, p. 526.]

³ [The Schedule hereto annexed shall be annexed as the First Schedule to the Bengal Vaccination Act, 1880.]

Amendment of section 4. 4. For the first paragraph of section 4 the following shall be substituted :—
[Printed *ante*, p. 526.]

Vaccination of Persons on board Vessels.

5. (*Amendment of section 13.*)

6. (*New section to follow section 13.*)

7. (*Amendment of section 28.*)

} Omitted as being inapplicable to Assam.

New sections to follow section 29. 8. After section 29 the following sections shall be inserted :—
29A, 29B. [Printed *ante*, p. 532.]

THE FIRST SCHEDULE.

[Printed *ante*, p. 533.]

¹ SHORT TITLE.—This short title was given by the Repealing and Amending Act, 1903, (I of 1903), Sch. I—*see ante*.

LEGISLATIVE PAPERS.—For Statement of Objects and Reasons, *see* Calcutta Gazette, 1886, Pt. IV, p. 11; and for Proceedings in Council, *see ibid*, Suppl., pp. 141, 187, 493, 630 and 740.

LOCAL EXTENT.—It is applicable to Assam by virtue of the extension of Ben. Act V of 1880 thereto by notification dated 1st May, 1891—*see* Table B in App. I, *post*.

The application of the Act is barred in the Lushai Hills, by notification—*see* Table C in Appendix II to this Volume.

² Printed *ante*.

³ This paragraph was added by the Amending Act, 1897 (V of 1897) Sch. II—*see ante*.

BENGAL ACT 2 OF 1889.¹

(THE PRIVATE FISHERIES PROTECTION ACT, 1889)

[26th June, 1889]

An Act for the protection of the right of fishing in private waters.

WHEREAS it is expedient to provide for the protection of private rights of fishery, It is hereby enacted as follows —

1. This Act may be called the Private Fisheries Protection Act, 1889.

Short title

2. In this Act—

Inter-
pre-
tation
clause

“fish” includes shell fish and turtles

“Fish”

“fixed engine” means any net, cage, trap or other contrivance for taking fish fixed in the soil or made stationary in any other way

“Fixed engine”

“private waters” means waters—

“Private waters”

(a) which are the exclusive property of any person, or

(b) in which any person has an exclusive right of fishery, and in which fish are not confined but have means of ingress or egress

3. Any person who—

Penalties

(a) fishes in any private waters, not having a right to fish therein, or

(b) erects, places, maintains or uses any fixed engine in private waters, or puts, or knowingly permits to be put, therein any matter for the purpose of catching or destroying fish without the permission of the person to whom the right of fishery therein belongs;

shall be guilty of an offence, and shall be punished for a first offence with a fine not exceeding fifty rupees,

and for a subsequent offence with imprisonment, which may be simple or rigorous for a term not exceeding one month, or with a fine not exceeding two hundred rupees, or both

Provided that nothing herein contained shall apply to acts done by any person in the exercise of a *bond fide* claim of right, or shall prevent any person from angling with a rod and line or with a line only in any portion of a navigable river

4. (1) Any fixed engine erected, placed, maintained or used in contravention of the last preceding section, and any fish taken by means of such engine, or otherwise in contravention of this Act, shall be forfeited

Forfeiture of
fixed
engines

¹ LEGISLATIVE PAPERS.—For Statement of Objects and Reasons, see Calcutta Gazette, 1889, P. IV, p. 4, for Report of Select Committee, see *ibid*, p. 32, and for Proceedings in Council see *ibid*, Suppl., pp. 658, 714, 947 and 960

LOCAL EXTENT.—The Act has been extended to Assam by notification under the Scheduled District Act, 1874 (XIV of 1874) s. 5—see Table B in Appendix I, *post*

The application of the Act is barred in the Lushai Hills, by notification—see Table C in Appendix II to this Volume.

The Indian Fisheries Act, 1897 (IV of 1897), is to be read as supplemental to this Act (see s. 2 in Genl. Acts Vol. IV).

Removal of
fixed engine.

(2) And such fixed engine may be removed or taken possession of by the Magistrate of the district,¹ or such person as he empowers in this behalf.

Entry upon
the land of
another or
upon private
waters with
intent to
commit an
offence.

5. Whoever enters upon land in the possession of another or upon private waters, with intent to commit any of the offences specified in section 3, shall be punished with a fine not exceeding fifty rupees.

Offences
under this
Act consider-
ed "cogniz-
able
offences."

6. Offences committed under this Act shall be considered to be "cognizable offences" as defined in the Code of Criminal Procedure.² X of 1882.

BENGAL ACT 1 OF 1892.³

[THE BENGAL VILLAGE-CHAUKIDARI (AMENDMENT) ACT, 1892.]

[19th October, 1892.]

An Act to further amend the Village-chaukidari Act, 1870.⁴

Preamble.

WHEREAS it is expedient to further amend the Village-chaukidari Act, 1870⁴; It is enacted as follows:— Ben. Act VI of 1870.

Construction
and extent.

1. This Act shall be read with, and taken as part of, Bengal Act 6 of 1870⁴ as amended by Bengal Act 1 of 1871⁴ and Bengal Act 1 of 1886⁴; and it shall extend to all districts in which the said Act so amended is now or may be hereafter in force.

2. (1) [*Repeal of definition of "Magistrate" in Bengal Act 6 of 1870, s. 1*] Rep. by the Repealing and Amending Act, 1903 (1 of 1903).

"District
Magistrate"
substituted
for "Magis-
trate of the
District"
and "Magis-
trates."

(2) Except as is otherwise provided in this Act, for the words "Magistrate of the District" and for the word "Magistrate," so often as they occur respectively in the Village-chaukidari Act, 1870,⁴ as amended by Bengal Act 1 of 1871⁴ and Bengal Act 1 of 1886⁴, the words "District Magistrate" shall be substituted.

¹ In Assam, the Deputy Commissioner—see the Assam Local Statutory Rules and Orders, Supplt., 1901, p. 12.

² Act X of 1882 has been repealed and re-enacted by the Code of Criminal Procedure, 1898 (Act V of 1898), and this reference should now be taken to be made to the latter Act—see s. 3 (1) thereof, in Genl. Acts, Vol. V.

³ SHORT TITLE.—This short title was given by the Repealing and Amending Act, 1903 (1 of 1903), Sch. II—see *ante*.

LEGISLATIVE PAPERS.—For Statement of Objects and Reasons, see Calcutta Gazette, 1892, Pt. IV, p. 1; for Report of Select Committee, see *ibid*, p. 24; and for Proceedings in Council, see *ibid*, Supplt., pp. 768, 1154, 1393, 1488 and 1710.

LOCAL EXTENT.—This Act has been extended, by notification under the Scheduled Districts Act, 1874 (XIV of 1874), s. 5, to the districts of Cachar, Goalpara and Sylhet in Assam—see Table B in Appendix I, *post*.

The application of Ben. Act I of 1892 is barred in the Lushai Hills, by notification—see Table C in Appendix II to this Volume.

⁴ Printed *ante*.

(3) In section 64, the words "and Magistrates" shall be omitted, and for the words "Magistrates of Districts" the words "District Magistrates" shall be substituted

3. For section 3 * * * the following shall be substituted —

3 [Printed *ante*, p 365]

4. After section 3 the following section shall be inserted—

3A [Printed *ante*, p 366]

5. For section 4 the following shall be substituted —

4 [Printed *ante*, p 366]

6. [Partial repeal of section 5] *Rep by the Repealing and Amending Act, 1903 (1 of 1903)*

7. For section 11 the following shall be substituted —

11 [Printed *ante*, p 368]

8. For section 12 the following shall be substituted —

12 [Printed *ante*, p 368]

9. For section 13 the following shall be substituted —

13 [Printed *ante*, p 368]

10. For section 14 the following shall be substituted —

14 [Printed *ante*, p 368]

11. For section 35 the following shall be substituted —

35 [Printed *ante*, p 371]

12. [Repeal of sections 36 and 37] *Rep by the Repealing and Amending Act, 1903 (1 of 1903)*

13. For section 39 the following shall be substituted —

39 [Printed *ante*, p 372]

14. For section 42 the following shall be substituted —

42 [Printed *ante*, p 373]

15. In section 43, for the words "or person as the Magistrate shall appoint" the words "as the Local Government may by rules made under this Act prescribe or direct," shall be substituted Amendment of section 43

16. In section 44, for the words "as the Magistrate may appoint," the words "as the Local Government may prescribe or direct," shall be substituted Amendment of section 44

17. For section 46A the following shall be substituted —

46A [Printed *ante*, p 375]

18. For section 62 the following shall be substituted —

62 [Printed *ante*, p 378]

19. For Schedule B the following shall be substituted —

Sch B [Printed *ante*, p 380]

¹ The words and figures as amended by section 2 of Bengal Act 1 of 1896, which were repealed by the Repealing and Amending Act, 1897 (V of 1897), are omitted.

BENGAL ACT 4 OF 1894.

[THE BENGAL MUNICIPAL (AMENDMENT) ACT, 1894.]

CONTENTS.

SECTION.

1. Construction.
- Commencement.* [Repealed.]
2. Amendment of section 2.
3. New definition added to section 6.
4. New sections substituted for section 9.
5. [Repealed.]
6. Amendment of section 14.
7. Addition to section 15.
8. Amendment of section 17.
9. [Repealed.]
10. New section substituted for section 20.
11. New section substituted for section 22.
12. New section substituted for section 23.
13. Amendment of section 24.
14. New section inserted after section 25.
15. Amendment of section 26.
16. New section inserted after section 26.
17. New section inserted after section 26A.
18. Amendment of section 27.
19. New section inserted after section 27.
20. Addition to section 28.
21. New section inserted after section 29.
22. Amendment of section 30.
23. New sections inserted after section 37.
24. Addition to section 38.
25. Amendment of section 46.
26. Amendment of section 57.
27. New section substituted for section 58.
28. Amendment of section 59.
29. New section inserted after section 66.
30. Amendment of section 68.
31. [Repealed.]
32. Amendment of section 76.
33. New section substituted for section 82.
34. Amendment of section 85.
35. Amendment of section 86.

SECTION

Of the tax on persons

- 36 Amendment of section 87.
- 37 Amendment of section 89.

Of the rate on Holdings

- 38 Amendment of section 97
- 39 New section inserted after section 97
- 40 Addition to section 98
- 41 Amendment of section 99
- 42 [Omitted]
- 43 New section inserted before section 112
- 44 Addition to section 113
- 45 Amendment of section 114
- 46 [Repealed]
- 47 Amendment of section 121
- 48 Addition to section 125
- 49 Amendment of section 127
- 50 New section inserted after section 141
- 51 [Repealed]
- 52 New section inserted after section 147
- 53 Amendment of section 186
- 54 Amendment of section 187
- 55 Amendment of section 199
- 56 New section inserted after section 199
- 57 New section substituted for section 200
- 58 New section substituted for section 208
- 59 New section substituted for section 210
- 60 New section inserted after section 210
- 61 Amendment of section 212
- 62 Amendment of section 217
- 63 Amendment of section 218
- 64 Amendment of section 219
- 65 Addition of proviso to section 220
- 66 New section inserted after section 223
- 67 Amendment of section 236
- 68 New sections substituted for sections 237 to 241
- 69 New section substituted for section 242
- 70 New section inserted after section 242
- 71. Amendment of section 243
- 72 New sections inserted after section 256
- 73 New section inserted after section 260
- 74 Amendment of section 261
- 75 Addition of proviso to section 262
- 76 New section inserted after section 262

SECTION.

77. [*Repealed.*]

78. Amendment of section 270.

79. Amendment of section 271.

80. Amendment of section 273.

81. New section substituted for section 279.

82. New section substituted for section 290.

83. [*Repealed.*]

84. Amendment of section 307.

85. New section inserted after section 318.

The Cleansing of Private Privies and Cesspools.

86. Amendment of section 320.

87. Amendment of section 321.

88. New section substituted for section 322.

89. [*Repealed.*]

90. New section inserted after section 334.

91. Amendment of section 339.

92. New sections inserted after section 349.

93. Amendment of section 350.

94. New section inserted after section 350

95. Amendment of section 351.

96. New section inserted after section 351.

97. Amendment of section 353.

98. Addition to section 365.

99. Addition to Schedule V.

BENGAL ACT 4 OF 1894.

[THE BENGAL MUNICIPAL (AMENDMENT) ACT, 1894.]¹

[15th August, 1894.]

An Act to amend the Bengal Municipal Act, 1884.²

WHEREAS it is expedient to amend Bengal Act 3 of 1884²; It is hereby enacted as follows :—

instruction. 1. This Act shall be read with, and taken as part of, Bengal Act 3 of 1884²; and

¹ SHORT TITLE.—This short title was given by the Repealing and Amending Act, 1903 (I of 1903), Sch. I—*see ante*.

LEGISLATIVE PAPERS.—For Statement of Objects and Reasons, *see* Calcutta Gazette, 1892, Pt. IV, p. 20; for Preliminary Report of Select Committee, *see ibid*, p. 27; for further Report of Select Committee, *see ibid*, 1894, Pt. IV, page 13; and for Proceedings in Council, *see ibid*, 1894, Suppl., pp. 1154, 1252, 1719; 1893, Suppl., pp. 81, 1430, 2225; 1894, Suppl., pp. 235, 479, 647, 686, 776, 840.

LOCAL EXTENT.—This Act has been extended, by notification under the Scheduled Districts Act, 1874 (XIV of 1874), s. 5, to the Municipalities of Dibrugarh, Gauhati and Sylhet (*see* Notfn. dated 17th July, 1895, in Table B, Appendix I, *post*, and is also in force in the Municipalities and places to which the Bengal Municipal Act, 1884 (Ben. Act III of 1884), has been extended subsequent to the commencement of this Act.

² Printed *ante*.

[Commencement] Rep by the Repealing and Amending Act, 1903 (I of 1903)

2. (1) In section 2, after the words "commenced under this Act" the following shall be added, namely — Amendment of section 2

[Printed ante, p 556]

(2) In the same section for the fourth paragraph the following shall be substituted —

[Printed ante, p 556]

3. In section 6, after the definition contained in clause (14), the following definition shall be inserted — New definition added to section 6

(14A) [Printed ante, 558]

4. For section 9 the following sections shall be substituted —

9, 9A, 9B [Printed ante, pp 560, 561]

New section substituted for section 9

5. [Repeal of sections 11 and 12] Rep by the Repealing and Amending Act, 1903 (I of 1903)

6. In section 14, in the second paragraph, after the word "appointed" the words "either by name or by official designation" shall be added Amendment of section 14

7. (1) In section 15, after the word "election" at the end of the first sentence, the words "and the authority who shall decide disputes thereunder" shall be inserted Addition to section 15

* * * *

(2) At the end of the same section the following shall be added, namely —

[Printed ante, p 563]

8. In section 17, in the first paragraph, after the words "by the Local Government" the words "either by name or by official designation" shall be added Amendment of section 17

9. [Repeal of section 18] Rep by the Repealing and Amending Act, 1903 (I of 1903)

10. For section 20 the following shall be substituted, namely —

20 [Printed ante, p 564]

New section substituted for section 20

11. For section 22 the following shall be substituted —

22 [Printed ante, p 565]

New section substituted for section 22

12. For section 23 the following shall be substituted —

23 [Printed ante, p 565]

New section substituted for section 23

13. In section 24, in the second paragraph, before the word "Every" the words "Except as is otherwise provided in this Act" shall be inserted Amendment of section 24

14. After section 25, the following section shall be inserted —

25A [Printed ante, p 566]

New section inserted after section 25

15. In section 26, for the words "next subsequent appointment or election not being an appointment or election under the next succeeding section," the words "first meeting of the body of Commissioners newly appointed" Amendment of section 26

¹ Portion of s 7 (1) which was repealed by the Bengal Municipal (Amendment) Act, 1894 (Ben Act II of 1894) s 19 is omitted

and elected, at which a quorum shall be present, and any Chairman elected under section twenty-three or twenty-seven shall be competent to discharge the duties of his office after his election and pending the orders of the Local Government approving of his election ” shall be substituted.

New section
inserted after
section 26.

16. After section 26 the following section shall be inserted :—

26A. [Printed *ante*, p. 567.]

New section
inserted after
section 26A.
Amendment
of section 27.

17. After section 26A the following section shall be inserted :—

26B. [Printed *ante*, p. 567.]

18. In section 27, after the words “ term of office ” the words and letter “ or shall avail himself of leave granted under section twenty-six B ” shall be inserted, and after the word “ death- ” the words “ or absence on leave ” shall be inserted ; also at the end of the section the words “ or during his absence on leave, as the case may be ” shall be added.

New section
inserted after
section 27.
Addition to
section 28.

19. After section 27 the following section shall be inserted :—

27A. [Printed *ante*, p. 567.]

20. In section 28, at the end thereof, the following shall be added :—
[Printed *ante*, p. 568.]

New section
inserted after
section 29.
Amendment
of section 30.

21. After section 29, the following section shall be inserted :—

29A. [Printed *ante*, p. 568.]

22. In section 30, in the first line after the word “ roads ” the words “ including the soil and all ” shall be inserted, and in the second and third paragraphs of the same section, after the words “ from the operation of this Act ” the words “ or of any specified section of this Act ” shall be inserted.

New section
inserted after
section 37.
Addition to
section 38.

23. After section 37, the following sections shall be inserted :—

37A to 37M. [Printed *ante*, pp. 570—574.]

24. To section 38 the following paragraph shall be added :—
[Printed *ante*, p. 575.]

Amendment
of section 46.

25. In section 46, after the word “ Engineer ” the word “ or ” shall be omitted, and after the words “ Health Officer ” the words “ or Assessor ” shall be inserted.

Amendment
of section 57.

26. In section 57, in the first paragraph, the words “ by himself or through others ” shall be omitted ; and for the words “ made with the Commissioners ” the words “ of any kind whatsoever to which the Commissioners are a party or shall hold any office of profit under them ” shall be substituted ; after the words “ such share or interest ” the words “ or shall hold such office ” shall be inserted ; and after the word “ rupees ” the words “ Provided that ” shall be inserted.

New section
substituted
for section 58.
Amendment
of section 59.

27. For section 58 the following shall be substituted :—

58. [Printed *ante*, p. 578.]

28. In section 59, in clause (a), after the words “ section twenty-three ” the words “ or twenty-seven ” shall be inserted.

New section
inserted after
section 66.

29. After section 66, the following section shall be inserted :—

66A. [Printed *ante*, p. 58.]

30. (1) In section 68, in the first line, before the words "The Commissioners" the words "Except as is otherwise provided in this Act" shall be inserted Amendment of section 68

(2) In clause (c) of the same section, the word "and" shall be omitted, and after the word "treasury" the words "and towards the salary of any special officer who may be appointed under section eighty-two" shall be inserted

(3) In the proviso to clause (c) of the same section, after the word and letter "clause (c)" the words "otherwise than as the salary of a special officer appointed under section eighty-two" shall be inserted

31. [Amendment of section 69] Rep by the Bengal Municipal (Amendment) Act, 1896 (Ben Act 2 of 1896)

32. In section 76, the words "or sanction it after making such alterations therein as may seem to him fit" shall be omitted, and after the word "Division" and before the word "Provided" the following shall be inserted — Amendment of section 76

[Printed ante, p 585]

33. For section 82 the following shall be substituted —

82 [Printed ante, p 587]

New section substituted for section 82

34. In section 85, for the words "but not" the word "or" shall be substituted, in clause (b) the word "all" shall be omitted, after the words "the [municipalities] of" and before the word "Dacca" the words "Howrah, Patna" shall be inserted, and the following proviso shall be added — Amendment of section 85

"Provided that both the taxes shall not be in force at the same time in the same ward"

35. In section 86, in clause (d), for the word "six" the words "seven and a-half," and for the word "five" the word "six" shall be substituted Amendment of section 86

Of the Tax on Persons

36. In section 87, in the last paragraph, the words "of arable lands or" shall be omitted, and at the end thereof the words "or in respect of the occupation of any public burial or burning ground registered under section two hundred and fifty four" shall be inserted Amendment of section 87

37. In section 89, for the word "is" after the word "which" the words "contains any building" shall be substituted, for the words "and used for the purposes of a public building" the words "* * * or of a local authority" shall be substituted, and at the end thereof the words "* * * or the local authority concerned" shall be inserted Amendment of section 89.

¹ This word "municipalities," in s. 31, was substituted for the word "municipality" by the Repealing and Amending Act, 1903 (I of 1903), Sch. II—see ante

² The words "of a Railway Administration," which were repealed by Ben Act VI of 1894, are omitted.

³ The words "or the Railway Administration" which were repealed by Ben Act VI of 1894, are omitted

Of the Rate on Holdings.

Amendment
of section 97.

38. In section 97, for the word “three” the word “five” shall be substituted.

New section
inserted after
section 97.
Addition to
section 98.

39. After section 97 the following section shall be inserted :—

97A. [Printed *ante*, p. 591.]

40. To section 98 the following paragraph shall be added :—

[Printed *ante*, p. 591.]

Amendment
of section
99.

41. In section 99, after the words “authorized by them” the words “in writing” shall be inserted, and the following proviso shall be added :—

[Printed *ante*, p. 592.]

42. [Amendment of section 101 as to Darjeeling Municipality.] Omitted, as being inapplicable to Assam.

New section
inserted
before
section 112.

43. Immediately before section 112 the following section shall be inserted :—

111A. [Printed *ante*, p. 594.]

Addition to
section 113.

44. To section 113 the following paragraph shall be added :—

[Printed *ante*, p. 595.]

Amendment
of section
114.

45. In section 114, for the word “Chairman” the words “Commissioners at a meeting” shall be substituted, and after the word “after” the words “taking such evidence and” shall be inserted.

46. [Amendment of section 116.] Rep. by the Repealing and Amending Act 1903 (1 of 1903.)

Amendment
of section
121.

47. In section 121, for the last paragraph the following shall be substituted :—

[Printed *ante*, p. 597.]

Addition to
section 125.

48. To section 125 the following paragraph shall be added :—

[Printed *ante*, p. 598.]

Amendment
of section
127.

49. In section 127, for the words “goods or chattels” the words “moveable property” shall be substituted ; for the word, “personal,” wherever the same occurs, the word “moveable” shall be substituted ; and for the word “whatsoever” the words “exercising jurisdiction within the territories administered by the Lieutenant-Governor of Bengal” shall be substituted.

50. After section 141 the following section shall be inserted :—

141A. [Printed *ante*, p. 601.]

51. [Repeal of the words “or the suburbs of Calcutta,” in section 142 (c) Rep. by the Repealing and Amending Act, 1903 (1 of 1903).]

52. After section 147 the following section shall be inserted :—

147A. [Printed *ante*, p. 603.]

53. In section 186, after the word “required” the words “by them” shall be inserted.

54. In section 187, after the word “remove” and before the word “offensive” the words “sewage and” shall be inserted.

New section
inserted after
section 147.

Amendment
of section
186.

Amendment
of section
187.

55. In section 199, after the word "convenient" the word "wells" shall be inserted, and for the last paragraph the following shall be substituted —
[Printed *ante*, p 614] Amendment of section 199
56. After section 199 the following section shall be inserted —
199A [Printed *ante*, p 614] New section inserted after section 199
57. For section 200 the following shall be substituted —
200 [Printed *ante*, p 615] New section substituted for section 200
58. For section 208 the following section shall be substituted —
208 [Printed *ante*, p 617] New section substituted for section 208
59. For section 210 the following section shall be substituted —
210 [Printed *ante*, p 617] New section substituted for section 210
60. After section 210 the following section shall be inserted —
210A [Printed *ante*, p 618] New section inserted after section 210
61. In section 212, after the word "section" the words "one hundred and seventy-five and" shall be inserted Amendment of section 212
62. In section 217, in clause (4), after the words "one hundred and ninety nine" the words and letter "or one hundred and ninety-nine A" shall be inserted Amendment of section 217
63. In section 218, after the words "two hundred and four" the words "two hundred and six, two hundred and seven" shall be inserted Amendment of section 218
64. In section 219, after the words "two hundred and ten" the words and letter "two hundred and ten A" shall be inserted Amendment of section 219
65. To section 220 the following proviso shall be added —
[Printed *ante*, p 620] Addition of proviso to section 220
66. After section 223 the following section shall be inserted —
223A [Printed *ante*, p 621] New section inserted after section 223
- Of a Survey*
67. In section 236, after the words "meeting may" the words "by an order published in the manner prescribed in section three hundred and fifty-four" shall be inserted Amendment of section 236
68. For sections 237 to 241, the following sections shall be substituted —
237 to 241 [Printed *ante*, p 624 625] New sections substituted for sections 237 to 241
69. For section 242 the following section shall be substituted —
242 [Printed *ante*, p 626] New section substituted for section 242
70. After section 242 the following section shall be inserted —
242A [Printed *ante*, p 626] New section inserted after section 242
71. In section 243, after the word "without" the words "one month's" shall be inserted, after the words "front of" the words "each line" shall be inserted Amendment of section 243

inserted; and for the words "each line" the words "every two lines" shall be substituted.

New sections
inserted after
section 256.

72. After section 256 the following sections shall be inserted :—
256A, 256B. [Printed *ante*, pp. 631-632.]

New section
inserted after
section 260.

73. After section 260 the following section shall be inserted :—
260A. [Printed *ante*, p. 632.]

Amendment
of section
261.

74. (1) In section 261, after the words "as a shop for the sale of meat" the words "as a place for the storage of rags or bones or both" shall be inserted.

(2) For the last paragraph of the same section the following shall be substituted :—

[Printed *ante*, p. 633.]

Addition of
proviso to
section 262.

75. To section 262 the following proviso shall be added :—
[Printed *ante*, p. 633.]

New section
inserted after
section 262.

76. After section 262 the following section shall be inserted :—
262A. [Printed *ante*, p. 634.]

77. [*Amendment of section 263.*] *Rep. by the Repealing and Amending Act, 1903 (1 of 1903).*

Amendment
of section
270.

78. In section 270, after clause (4), the following shall be added :—
(5) [Printed *ante*, p. 635.]

Amendment
of section
271.

79. In section 271, after the word "sections" the words "two hundred and twenty-four" shall be inserted; after the words "two hundred and twenty-five" the words "two hundred and twenty-seven" shall be inserted; and for the words "or two hundred and thirty-one" the words "two hundred and thirty-one or two hundred and thirty-eight" shall be substituted.

Amendment
of section
273.

80. In section 273, in clause (1), before the words "or two hundred and forty-one" the words "two hundred and thirty-eight" shall be inserted; and in clause (2) the following shall be added—

[Printed *ante*, p. 636.]

New section
substituted
for section
279.

81. For section 279 the following shall be substituted :—
279. [Printed *ante*, p. 637.]

New section
substituted
for section
290.

82. For section 290 the following shall be substituted :—
290. [Printed *ante*, p. 640.]

83. [*Omission from section 294.*] *Rep. by the Repealing and Amending Act, 1903 (1 of 1903).*

Amendment
of section
307.

84. In section 307, after the words "maintaining the water-works" the words "in the payment of such a proportionate share of the cost of collection and of general supervision as the Commissioners in meeting may from time to time direct" shall be inserted.

New section
inserted after
section 318.

85. After section 318 the following section shall be inserted :—
318A. [Printed *ante*, p. 646.]

The Cleansing of Private Privies and Cesspools

86. In section 320, the words "public and" shall be omitted, and for the word "latrines" the words "privies and cesspools" shall be substituted

Amendment
of section
320

87. In section 321, in the first paragraph, after the word "holdings" the words "containing dwelling-houses" shall be inserted

Amendment
of section
321

88. For section 322 the following section shall be substituted —

New section
substituted
for section
322

322 [Printed ante, p 647]

89. [Repeal of sections 327 and 328] Rep by the Repealing and Amending Act, 1903 (1 of 1903)

90. After section 334 the following section shall be inserted —

New section
inserted after
section 334

334A [Printed ante, p 649]

91. In section 339, after the word "Commissioners" the words "shall, as regards markets lawfully established at the time of the extension of this Part to the municipality, and in all other cases" shall be inserted

Amendment
of section
339

92. After section 349 the following sections shall be inserted —

New sections
inserted after
section 349

PART XIA —Extinction and Prevention of Fire

349A, 349B [Printed ante, p 652]

93. In section 350, for the words "giving effect to the objects of this Act" the following shall be substituted —

Amendment
of section
350

(a), (b), (c) to (f) [Printed ante, p 653]

94. After section 350 the following section shall be inserted —

New section
inserted after
section 350

350A [Printed ante, p 654]

95. In section 351, the last paragraph shall be omitted, and at the end thereof the following paragraph shall be added —

Amendment
of section
351

[Printed ante, p 654]

96. After section 351 the following section shall be inserted —

New section
inserted after
section 351

351A [Printed ante, p 654]

97. In section 353, for the word "three" each time it occurs the word "six" shall be substituted

Amendment
of section
353

98. In section 365, after the word "Act" the words "or any bye law made in pursuance thereof" shall be inserted, and at the end thereof the following words shall be added—

Addition to
section 365

[Printed ante, p 658]

99. In the Fifth Schedule, after the words and figures —

Addition to
Schedule V

Rs A

"For every 4 wheeled carriage drawn by one horse or a pair of ponies under thirteen hands

3 0'

the words and figures following shall be inserted —

"For every 4-wheeled carriage drawn by one pony under thirteen hands

2 8'

BENGAL ACT 2 OF 1896.

[THE BENGAL MUNICIPAL (AMENDMENT) ACT, 1896.]¹

[28th October, 1896.]

An Act to further amend the Bengal Municipal Act, 1884.²Ben. Act III
of 1884.

WHEREAS it is expedient to further amend the Bengal Municipal Act, 1884;² It is hereby enacted as follows:—

1. [Commencement.] *Rep. by the Repealing and Amending Act, 1903 (1 of 1903).*

Meaning of
"section."

2. The word "section," as used in sections 3 to 18, both inclusive, of this Act, means a section of the said Bengal Municipal Act, 1884,² as amended by Bengal Act 4 of 1894.

Amendment
of section 15,
Bengal Act
III of 1884.

3. (1) For clauses (1), (2) and (3) of the first proviso to section 15 the following shall be substituted, namely:—

(i), (ii), (iii) [Printed *ante*, p. 563.]

(2) In the definition of "rates" in the said section, the word "means" shall be substituted for the words "shall be deemed to include."

(3) To the said section the following shall be added, namely:—

Explanation. [Printed *ante*, p. 564.]

Amendment
of section
37L.

4. For section 37L the following shall be substituted, namely:—
37L. [Printed *ante*, p. 574.]

Amendment
of section 39.

5. To section 39 the following shall be added, namely:—
[Printed *ante*, p. 575.]

Amendment
of section 42.

6. (1) After the words "or Vice-Chairman" in the first paragraph of section 42, the words "or under section 39 by persons signing a requisition" shall be inserted.

(2) For the words "Chairman or Vice-Chairman," in the last paragraph of section 42, the word "President" shall be substituted.

Amendment
of section 69.

7. For section 69 the following shall be substituted, namely:—
69, 69A, 69B. [Printed *ante*, pp. 582-584.]

Amendment
of section 70.

8. (1) For the words "the last preceding section," in section 70, the words and figures "section 69, sub-section (1)" shall be substituted.

(2) To the said section 70 the following shall be added, namely:—
[Printed *ante*, p. 584.]

¹ SHORT TITLE.—This short title was given by the Repealing and Amending Act, 1903 (1 of 1903), Sch. I—see *ante*.

LEGISLATIVE PAPERS.—For Statement of Objects and Reasons, see Calcutta Gazette, 1896, Pt. IV, p. 11; for Report of Select Committee, see *ibid*, p. 41; and for Proceedings in Council, see *ibid*, Suppl., pp. 573, 695, 734, 1260, 1304, 1399, 1492, 1556 and 1614.

LOCAL EXTENT.—This Act has been extended by notification under the Scheduled Districts Act, 1874 (XIV of 1874), s. 5, to the Municipalities of Dibrugarh, Gauhati and Sylhet (see Notfn. dated 10th June, 1897, in Table B in Appendix I, *post*), and is also in force in the Municipalities and places to which the Bengal Municipal Act, 1884 (Ben. Act III of 1884), has been extended subsequent to the commencement of this Act.

² Printed *ante*.

9. (1) For the words "or habitually used" and the words "and habitually used" in section 131 and section 142, the words "or is used in the ordinary course of business," and the words "and is used in the ordinary course of business" shall respectively be substituted

Amendment
of sections
131, 141A,
142 and
147A

(2) For the words "habitually used," in section 147A, the words "used in the ordinary course of business" shall be substituted

(3) To section 147A the following shall be added, namely —

[Printed *ante*, p 603]

(4) [~~Repeal of the words "or cantonment" in sections 141A and 147A~~] *Rep by the Repealing and Amending Act, 1903 (1 of 1903).*

10. After section 141A the following shall be inserted namely :—

New section
141B

141B [Printed *ante*, p 601]

11. After the said section 147A the following shall be inserted, namely —

New section
147B

147B [Printed *ante*, p 604]

12. In section 238, sub section (1), the words "or without waiting for the orders of the Commissioners for six weeks from the date of his giving notice in writing under section 237" shall be inserted after the words "as aforesaid"

Amendment
of section
238

13. (1) After sub section (1) of section 279 the following shall be inserted, namely —

Amendment
of section
279

(1a) [Printed *ante*, p 638]

(2) In sub section (2) of the said section, the words "or amounts" shall be inserted after the word "amount," in the first place in which that word occurs

14. After clause (b) of the first proviso to section 279, the following shall be inserted, namely —

Further
amendment
of section
279

[Printed *ante*, p 638]

15. In section 321, after the words "dwelling houses" the words "or privies" shall be inserted

Amendment
of section
321

16. For section 322, sub section (3), the following shall be substituted, namely —

Amendment
of section
322

(3) [Printed *ante*, p 647]

17. After clause (a) of section 350 the following shall be inserted, namely —

Amendment
of section
350

(aa) [Printed *ante*, p 653]

18. For clause (f) of section 351A the following shall be substituted, namely —

Amendment
of section
351A

(f) [Printed *ante*, p 655]

19. [~~Repeal of s 31 and part of s 7 (1) of Bengal Act 4 of 1891~~] *Rep by the Repealing and Amending Act, 1903 (1 of 1903)*

BENGAL ACT 2 OF 1899.¹

(THE BENGAL CIVIL COURT AMINS ACT, 1899.)

[25th October, 1899.]

An Act to repeal the Civil Courts Amins Act, 1856, in Bengal.

WHEREAS it is expedient to repeal the Civil Courts Amins Act, 1856, so XII of 1856. far as it applies to Bengal ; It is hereby enacted as follows :—

Repeal of Act
XII of 1856.

1. The Civil Courts Amins Act, 1856, is hereby repealed throughout Bengal :

Provided as follows :—

- (a) this repeal shall not affect any appointment already made under the said Act, and
- (b) the persons holding such appointments shall perform such duties as may be required of them by the District Judge.

E. B. AND A. ACT 2 OF 1907.²

(THE EASTERN BENGAL AND ASSAM DISORDERLY HOUSES ACT, 1907.)

[6th April, 1907.]

An Act to provide for the discontinuance of Brothels and Disorderly Houses in certain localities in Eastern Bengal and Assam.

WHEREAS it is expedient to make provision for the discontinuance of brothels and disorderly houses in certain localities in Eastern Bengal and Assam ; It is hereby enacted as follows :—

Short title
and extent.

1. (1) This Act may be called the Eastern Bengal and Assam Disorderly Houses Act, 1907;

(2) It applies to all municipalities constituted under the Bengal Municipal Acts, 1876³ and 1884³ ; and

Bengal Acts
V of 1876 and
III of 1884.

¹ SHORT TITLE.—This short title was given by the Repealing and Amending Act, 1903 (I of 1903), Sch. I—*see ante*.

LEGISLATIVE PAPERS.—For Statement of Objects and Reasons, *see* Calcutta Gazette, 1899, Pt. IV, p. 613 ; and for Proceedings in Council, *see ibid*, Suppl., pp. 1560, 1907 ; *ibid*, Special Suppl., January, 1900, pp. 140 and 251.

LOCAL EXTENT.—This Act has been extended to the district of Sylhet by notification under the Scheduled Districts Act, 1874 (XIV of 1874), s. 5—*see* table B in Appendix I, *post*. It has been extended under s. 25 of the Cantonments Act, 1889 (XIII of 1889) to the Cantonment of Shillong with modifications—*see* Gazette of India, 1909, Pt. I, p. 72.

² LEGISLATIVE PAPERS.—For Report of Select Committee, *see* E. B. and A. Gazette, 1907, Pt. V, p. 15 ; and for Proceedings in Council, *see ibid*, 1906, Pt. VI, p. 9 ; *ibid*, 1907, Pt. VI, p. 21.

³ Printed *ante*.

(3) The Lieutenant Governor¹ may, by notification in the Government Gazette² extend it to any specified local area not being a municipality

2. When any Magistrate of the first class receives information—

Power to
summon
owner, etc.,
of brothel

(a) that any house in the vicinity of any educational institution, or of any hoarding house, hostel or mess used or occupied by students, is used as a brothel or for the purpose of habitual prostitution, or as a disorderly house, or

(b) that any house is used as aforesaid to the annoyance of the inhabitants of the vicinity, or

(c) that any house in the vicinity of a cantonment is used as a brothel or for the purpose of habitual prostitution,

he may summon the owner, tenant, manager, or occupier of the house to appear before him either in person or by agent to show cause why the use of such house should not be discontinued for any of the purposes or in any of the ways described in this section

3. If the Magistrate is satisfied that the house is used as described in clause (a), clause (b), or clause (c), as the case may be, of the foregoing section he may, by written order, direct such owner, tenant, manager or occupier, within a period to be stated in such order not less than five days from the date thereof, to discontinue such use

Order for dis-
continuance

4. If the owner, tenant, manager, or occupier, after being duly summoned does not appear in person or by agent on the day fixed for his appearance, the Magistrate may pass an order under the foregoing section *ex parte*

Failure to
appear

5. Prosecutions under section 3 shall be instituted only—

Initiation of
proceedings

(a) with the sanction or by order of the District Magistrate or

(b) on the report of the Chairman of the Commissioners of the Municipality concerned in pursuance of a resolution passed by the said Commissioners at a meeting, or

(c) on the complaint of three or more persons occupying separate holdings and resident in the vicinity of the house to which the complaint refers

6. If, after the period stated in an order under section 3, the house is used in any of the ways described in section 2, the person against whom the order has been passed shall be punishable with fine that may extend to twenty-five rupees for every day after the expiration of that period during which the house is so used

Penalty

Provided that no fine shall be imposed on an owner if he is able to prove to the satisfaction of the Magistrate that he has taken such action as is within his power to comply with the order

7. When the use of a house in any of the ways described in section 2, has been directed by an order under section 3 to be discontinued it shall be

Power to
inspect
house

¹ & ² In Assam, the Chief Commissioner and the Assam Gazette respectively—see the Bengal, Bihar and Orissa and Assam Laws Act 1912 (XII of 1912) s. 3 and Sch. D Pt. III ante

SECTIONS.

12. Constructions of references to repealed enactments.
13. Commencement and termination of time.
14. Computation of time.
15. Measurement of distances.
16. Duty to be taken *pro rata* in enactments.
17. Gender and number.
18. Application of Acts.

POWERS AND FUNCTIONS.

19. Powers conferred on the Government to be exercisable from time to time.
20. Power to appoint to include power to appoint *ex-officio*.
21. Power to appoint to include power to suspend or dismiss.
22. Substitution of functionaries.
23. Successors.
24. Official Chiefs and subordinates

PROVISIONS AS TO ORDERS, RULES, ETC., MADE UNDER ENACTMENTS.

25. Construction of orders, etc., issued under enactments.
26. Power to make to include power to add to, amend, vary or rescind orders, rules or bye-laws.
27. Making of rules or bye-laws and issuing of orders between passing and commencement of enactment.
28. Provisions applicable to making of rules or bye-laws after previous publication.
29. Continuation of orders, etc., issued under enactments repealed and re-enacted.

MISCELLANEOUS.

30. Recovery of fines.
31. Provision as to offences punishable under two or more enactments.
32. Meaning of service by post.
33. Citation of enactments.
34. Saving of previous enactments, rules and bye-laws.

THE SCHEDULE.

Enactments repealed.

THE EASTERN BENGAL AND ASSAM ACT I OF 1909.

[EASTERN BENGAL AND ASSAM GENERAL CLAUSES ACT, 1909.]

[16th June, 1909.]

An Act for shortening the language used in Eastern Bengal and Assam Acts, and for other purposes.

WHEREAS it is expedient to provide for shortening the language used in Eastern Bengal and Assam Acts, and to make certain other provisions relating to those Acts, and other enactments, It is hereby enacted as follows:—

Preliminary.

1. (1) This Act may be called the Eastern Bengal and Assam General Short title and extent Clauses Act, 1909.

(2) It extends to the whole of Eastern Bengal and Assam, including the districts and portions of districts specified in section 18.

2. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof.

3. In this Act the word "Act" shall mean an Act made by the Lieutenant-Governor of Eastern Bengal and Assam in Council under the Indian Councils Act, 1892.

4. The provisions of section 5 and of sections 9 to 34 shall apply to this Application of certain sections to all Acts made, whether before or after the commencement of this Act.

General Definitions.

5. In all Acts, unless there is anything repugnant in the subject or context, Definitions.

(1) "abate," with its grammatical variations and cognate expressions, "Abate" shall have the same meaning as in the Indian Penal Code.

(2) "act," used with reference to an offence or a civil wrong, shall include "act" also to illegal omissions.

(3) "affidavit" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing.

(4) "Assam" shall mean the territories which, on the first day of September 1905, were under the administration of the Chief Commissioner of Assam.

(5) "Assam Regulation" shall mean a Regulation made for Assam or some part thereof under the Government of India Act, 1874.

(6) "barrister" shall mean a barrister of England or Ireland or a member of the faculty of Advocates in Scotland.

Legislative Papers—For Report of Select Committee, see D. H. and A. Gazette, 1909, V. P. I, and for Proceedings in Council see D. H. and A. Gazette, 1909, Vol. I, pp. 7, 11 and 52.

33 & 34 Vict. c. 3

XLV of 1861.

24 & 25 Vict. c. 67, and 55 & 56 Vict. c. 14

Bengal Act

of certain

sections to

all Acts

made, whether

before or after

the commencement

of this Act.

1909: E. B. & A. Act I.]

General Clauses

Act, 1909.

Short title

and extent

Clauses Act,

1909.

It extends to

the whole of

Eastern Bengal

and Assam,

including the

districts and

portions of

districts

specified in

section 18.

The enactments

mentioned in

the Schedule

are hereby

repealed to

the extent

specified in

the fourth

column thereof.

3. In this Act

the word "Act"

shall mean an

Act made by

the Lieutenant-

Governor of

Eastern Bengal

and Assam in

Council under

the Indian

Councils Act,

1892.

4. The provisions

of section 5

and of sections

9 to 34 shall

apply to this

Application

of certain

sections to

all Acts

made, whether

before or after

the commencement

of this Act.

5. In all Acts,

unless there is

anything repugnant

in the subject or

context,

Definitions.

"Abate" shall

have the same

meaning as in

the Indian Penal

Code.

"Act," used

with reference

to an offence

or a civil wrong,

shall include

also to illegal

omissions.

"Affidavit" shall

include affirmation

and declaration

in the case of

persons by law

allowed to affirm

or declare instead

of swearing.

"Assam" shall

mean the territories

which, on the first

day of September

1905, were under

the administration

of the Chief

Commissioner of

Assam.

"Assam Regulation"

shall mean a

Regulation made

for Assam or

some part thereof

under the

Government of

India Act, 1874.

"Barrister" shall

mean a barrister

of England or

Ireland or a

member of the

faculty of

Advocates in

Scotland.

- (7) "Bengal Act" shall mean an Act made by the Lieutenant-Governor of Bengal in Council, under the Indian Councils Act, 1861, or the Indian Councils Acts, 1861 and 1892:
- (8) "British India" shall mean all territories and places within His Majesty's dominions which are for the time being governed by His Majesty through the Governor-General of India, or through any Governor or other officer subordinate to the Governor-General of India:
- (9) "British possession" shall mean any part of His Majesty's dominions, exclusive of the United Kingdom, and, where parts of those dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one British possession:
- (10) "Chapter" shall mean a Chapter of the Act in which the word occurs: "Collector" shall mean the chief officer in charge of the revenue administration of a district, and shall include a Deputy Commissioner:
- (12) "Colony" shall mean any part of His Majesty's dominions, exclusive of the British Islands and of British India, and, where parts of those dominions are under both a central and a local legislature, all parts under the central legislature shall, for the purposes of this definition, be deemed to be one colony:
- (13) "commencement," used with reference to an Act, shall mean the day on which the Act comes into force:
- (14) "Commissioner" shall mean the chief officer in charge of the revenue administration of a division:
- (15) "consular officer" shall include consul-general, consul, vice-consul, consular agent, pro-consul and any person for the time being authorized to perform the duties of consul-general, consul, vice-consul or consular agent:
- (16) "Deputy Commissioner" shall mean the chief officer in charge of the general administration of a district:
- (17) "District Court" shall mean a principal Civil Court of original jurisdiction; but shall not include a High Court in the exercise of its ordinary or extraordinary original civil jurisdiction:
- (18) "District Judge" shall mean the Judge of a District Court:
- (19) "document" shall include any matter written, expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, which is intended to be used, or which may be used, for the purpose of recording that matter:
- (20) "Eastern Bengal" shall mean the territories transferred from the Bengal Division of the Presidency of Fort William by the proclamation constituting the Province of Eastern Bengal and Assam.
- "Bengal Act."
- "British India."
- "British possession."
- "Chapter."
- "Collector."
- "Colony."
- "Commencement."
- "Commissioner."
- "Consular officer."
- "Deputy Commissioner."
- "District Court."
- "District Judge."
- "Document."
- "Eastern Bengal."

- (21) "Eastern Bengal and Assam" shall mean the territories within British India for the time being under the administration of the Bengal and Assam Lieutenant Governor of Eastern Bengal and Assam shall mean an Act made by the Lieutenant Governor of Eastern Bengal and Assam in Council Bengal and Assam under the Indian Councils Acts 1861 and 1892.
- (22) "enactment" shall include a Regulation (as hereinafter defined) Enactment and any Regulation of the Bengal Code, and shall also include any provision contained in any enactment or in any such Regulation as hereinafter defined.
- (23) "father" in the case of any one whose personal law permits adoption shall include an adoptive father.
- (24) "financial year" shall mean the year commencing on the first day of April of the year.
- (25) "Gazette" shall mean the Government Gazette of Eastern Bengal and Assam.
- (26) a thing shall be deemed to be done in "good faith" where it is in fact done honestly whether it is done negligently or not.
- (27) "Government" or "the Government" shall include the Local Government as well as the Government of India.
- (28) "Government of India" shall mean the Governor General in Council or during the absence of the Governor General from his Council, the President in Council or the Governor General alone, as regards the powers which may be lawfully exercised by them or him, respectively.
- (29) "High Court" shall mean the High Court of Judicature at Fort William in Bengal.
- (30) "His Majesty" or "the King" shall include his successors.
- (31) "immovable property" shall include land, benefits to arise out of land, and things attached to the earth or permanently fastened to it, or anything attached to the earth.
- (32) "imprisonment" shall mean imprisonment of either description as defined in the Indian Penal Code.
- (33) "India" shall mean British India, together with any territories of any Native Prince or Chief under the suzerainty of His Majesty exercised through the Governor General of India or through any Governor or other officer subordinate to the Governor General of India.
- (34) "local authority" shall mean a body of municipal or station commission, district board, body of port commissioners or other authority entrusted by the Government with, or legally entitled to exercise, the management of any local affairs.

24 & 25 Vic.
c 67, and c 65
& 56 Vic.
c 14

ALV of 1860

1 Coll Stat, Ind, Vol. I and II, respectively
In Assam, the Assam Gazette—see Vol VII of 1912, s. 3, and Sec D, Pt III, ante
Genl Act, Vol. I

to, the control or management of a municipal or local fund, and in Assam shall include a local board;

(36) "Local Government" shall mean the Lieutenant-Governor of Eastern Bengal and Assam¹;

(37) "Magistrate" shall include every person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure² for the time being in force;

(38) "master," used with reference to a ship, shall mean any person (except a pilot or harbour-master) having for the time being control or charge of the ship;

(39) "month" shall mean a month reckoned according to the British calendar;

(40) "moveable property" shall mean property of every description, except immoveable property;

(41) "notification" shall mean a notification in the Gazette;

(42) "oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing;

(43) "offence" shall mean any act or omission made punishable by any law for the time being in force;

(44) "Part" shall mean a Part of the Act in which the word occurs;

(45) "person" shall include any company or association or body of individuals, whether incorporated or not;

(46) "Political Agent" shall include—

(a) the principal officer representing the Government in any territory or place beyond the limits of British India, and

(b) any officer of the Government of India or of any Local Government appointed by the Government of India or the Local Government to exercise all or any of the powers of a Political Agent for any place not forming part of British India under the law for the time being in force relating to foreign jurisdiction and extradition;

(47) "Privy Council" shall mean the Lords and others for the time being of His Majesty's Most Honourable Privy Council;

(48) "Province" shall mean the territories for the time being administered by any Local Government;

(49) "public nuisance" shall mean a public nuisance as defined in the Indian Penal Code³;

(50) "registered," used with reference to a document, shall mean registered in British India under the law for the time being in force for the registration of documents;

"Local Government."

"Magistrate."

"Master" (of a ship).

"Month."

"Moveable property."

"Notification."

"Offence."

"Part."

"Person."

"Political Agent."

"Privy Council."

"Province."

"Public nuisance."

"Registered."

¹ In Assam, the Chief Commissioner—see Act VII of 1912, s. 3, and Sch. D, Pt. III, ante.

² Genl. Acts, Vol. V.

³ Genl. Acts, Vol. I.

or any part thereof, in all such Bengal Acts, unless there is anything repugnant in the subject or context,

- (1) "land" includes houses and buildings and corporeal hereditaments and tenements of any tenure, unless where there are words to exclude houses and buildings or to restrict the meaning to tenements of some particular tenure; and
- (2) "person" includes any incorporated company or incorporated association of persons.

8. When any Bengal Acts made after the eighteenth day of January 1899 are in force in Eastern Bengal and Assam, or any part thereof, the provisions of section 5, of section 10, of sections 12 to 15, of section 19, of sections 22 to 24, of section 29 and of sections 32 and 33, shall apply to all such Bengal Acts.

9. (1) Where any Act is not expressed to come into operation on a particular day, then it shall come into operation on the day on which the assent thereto of the Governor General is first published in the Gazette in pursuance of sections 40 and 48 of the Indian Councils Act, 1861, and in every such Act the date of such first publication shall be printed either above or below the title of the Act, and shall form part of every such Act.

(2) Unless the contrary is expressed, an Act shall be construed as coming into operation immediately on the expiration of the day preceding its commencement.

10. Where any Act repeals any enactment hitherto made, or hereafter to be made, then, unless a different intention appears, the repeal shall not—

(a) revive anything not in force or existing at the time at which the repeal takes effect; or

(b) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or

(c) affect any right, privilege, obligation, or liability acquired, accrued or incurred under any enactment so repealed; or

(d) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment so repealed; or

(e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if the repealing Act had not been passed.

11. (1) In any Act it shall be necessary, for the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.

(2) This section applies also to all Bengal Acts made after the first day of June 1867.

Application
to Bengal
Acts made
after January
1899.

Coming into
operation of
Acts.

Effect of
repeal.

Revival of
repealed en-
actments.

12 Where any Act repeals and re-enacts, with or without modification, Construction of references to repealed enactments, then references in any other enactment to repealed enactments shall, unless a different intention appears, be construed as references to the provision so repealed.

13 In any Act it shall be sufficient, for the purpose of excluding the first Commencement and termination of time, to use the word "from," and, for the purpose of including the last in a series of days or any other period of time, to use the word "to."

14 Where, by any Act, any act or proceeding is directed or allowed to be done or taken in any Court or office on a certain day or within a prescribed period, then, if the Court or office is closed on that day or the last day of the prescribed period the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open.

Provided that nothing in this section shall apply to any act or proceeding to which the Indian Limitation Act, 1908, applies.

15 In the measurement of any distance, for the purposes of any Act, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.

16 Where, by any Act, or by any Bengal Act, any duty of customs or duty to be excise, or in the nature thereof, is leviable on any given quantity, by weight, value or measure, or on any goods or merchandise, then a like duty is leviable on any quantity to the same rate on any greater or less quantity.

17 In all Acts, and in all Bengal Acts, unless there is anything repugnant Gender and number in the subject or context,—

(1) words importing the masculine gender shall be taken to include females, and

(2) words in the singular shall include the plural, and vice versa.

18. Unless and until extended under the Scheduled Districts Act, 1874, or otherwise, no Act, in the absence of special provision to the contrary, shall come into force in the districts of the Chittagong Hill Tracts, the Garo Hills, the Khasi and Jaintia Hills, the Lushai Hills, and the Naga Hills, the North Cachar sub-division of the Cachar district, the Eastern Duars in the Goalpara district, the Jirai Hills Tracts in the Nowgong and Sibasagar districts, and the Dibrugarh Frontier Tract in the Lakhimpur district.

Powers and Functions

19. Where, by any Act, any power is conferred on the Government, then that power may be exercised from time to time as occasion requires.

Power to ap-
point to in-
clude power
to appoint ex-
officio.

Power to
appoint to
include power
to suspend or
dismiss.

Substitution
of function-
aries.

Successors.

Provisions as to Orders, Rules, etc. made under Enactments.

Construction of orders, etc., issued under enactments.

Power to
make to in-
clude power
to add to,
amend, vary
or rescind,
orders, rules
or bye-laws.

Making of
rules or bye-
laws and issu-
ing of orders
between pass-
ing and com-
mencement of
enactment.

ment of the Act.

28. Where, by any Act, or by any Bengal Act, a power to make rules or provisions is expressed to be given, subject to the condition of the rules or by-c-laws being made after previous publication, then the following provisions shall apply, namely:—

- (1) the authority having power to make the rules or by-laws shall, before making them, publish a draft of the proposed rules or by-laws for the information of persons likely to be affected thereby,
- (2) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Local Government prescribes,
- (3) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration,
- (4) the authority having power to make the rules or by-laws and where the rules or by-laws are to be made with the sanction, approval or concurrence of another authority, that authority also shall consider any objection or suggestion which may be received by the authority having power to make the rules or by-laws from any person with respect to the draft before the date so specified,
- (5) the publication in the Gazette of a rule or by-law purporting to have been made in exercise of a power to make rules or by-laws after previous publication shall be conclusive proof that the rule or by-law has been duly made

29. Where any enactment is repealed and re-enacted with or without modification, then, unless it is otherwise expressly provided, any appointment, notification, order, scheme, rule, form or by-law made or issued under the repealed enactment shall, so far as it is not inconsistent with the provisions re-enacted, continue in force, and be deemed to have been made or issued under the provisions so re-enacted, unless and until it is superseded by any appointment, notification, order, scheme, rule, form or by-law made or issued under the provisions so re-enacted.

Miscellaneous

30. Sections 63 to 70 of the Indian Penal Code and the provisions of the Code of Criminal Procedure for the time being in force in relation to the issue and the execution of warrants for the levy of fines shall apply to all fines imposed under any enactment or any rule or by-law made under any enactment, unless the enactment, rule or by-law contains an express provision to the contrary.

31. Where an act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished

under two or more enactments. under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

32. Where any Act authorizes or requires any document to be served by post, whether the expression "serve" or either of the expressions "give" or "send" or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, pre-paying and posting by registered post a letter containing the document and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

33. (1) In any Act and in any rule, bye-law, instrument or document, made under, or with reference to, any such Act, any enactment may be cited by reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained.

(2) In any Act a description or citation of a portion of another enactment shall, unless a different intention appears, be construed as including the word section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

34. Where any enactment, rule or bye-law made after the eighteenth day of January 1899, continues or amends any enactments, rules or bye-laws made before the said eighteenth day of January 1899, the foregoing sections of this Act shall not, by reason merely of such continuance or amendment, affect the construction of such enactments, rules or bye-laws.

THE SCHEDULE.

ENACTMENTS REPEALED.

(See section 2).

| Year. | No. | Short title or subject. | Extent of repeal. |
|-------|-----|-------------------------|-------------------|
| 1 | 2 | 3 | 4 |
| 1867 | 5 | General Clauses | The whole. |
| 1899 | 1 | Bengal General Clauses | Ditto. |

ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

THE EASTERN BENGAL AND ASSAM ACT 1 OF 1910
[THE EASTERN BENGAL AND ASSAM EXCISE ACT, 1910]

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EASTERN BENGAL AND ASSAM ACT NO. I OF 1910.¹

[8th June, 1910.]

An Act to consolidate and amend the Excise Law in force in Eastern Bengal and Assam.

WHEREAS it is expedient to consolidate and amend the law in force in Eastern Bengal and Assam relating to the import, export, transport, manufacture, sale and possession of intoxicating liquor and of intoxicating drugs; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called "The Eastern Bengal and Assam Excise Act, 1910."

(2) It shall come into force on such date² as the Local Government may, by notification, appoint in this behalf.

(3) It extends to the whole of Eastern Bengal and Assam, except the Dibrugarh Frontier Tract in the Lakhimpur district, the Mikir Hills Tracts in the Nowong and Sibsaigar districts, the North Cachar sub-division of the Cachar

Short title.

Commence-
ment.

Extent.

¹ For Statement of Objects and Reasons see E. B. and A. Gazette, 1909, Pt. V, p. 35; for Report of Select Committee, see *ibid.*; for Proceedings in Council, see *ibid.*, 1909, Pt. VI, p. 12; *ibid.*, 1910, Pt. VI, pp. 3 and 36.
² The 1st April, 1912; see E. B. and A. Gazette of the 22nd December, 1911.

ic, and the districts of the Garo Hills, the Khasi and Jaintia Hills, the

the Lushai Hills, and the Chittagong Hill Tracts

(f) The Local Government may, by notification,² extend to any of the excepted tracts and districts, or any part thereof, all or any of the provisions of this Act, and may modify the provisions so extended or restrict their

by such means as to render them

• The enactments mentioned in the Schedule are hereby repealed to the

not specified in the third column thereof. In this Act unless there is anything repugnant in the subject or

1) "Beer" includes ale, stout, porter and all other fermented liquor usu-

made from malt

(2) "Board" means the Board of Revenue for Eastern Bengal and Assam

3) "To bottle means to transfer liquor from a cask or other vessel to a

not and includes re-bottling

(7) "Collector" includes the District Collector, and in any provision of this

includes also any officer whom the Local Government may, by notification

are or appoint to be a Collector for the purposes of that provision

(b) "Denatured" means effectually and permanently rendered unfit for

ram consumption

(6) "District Collector" means the chief officer in charge of the revenue

[illegible]

(1) The above article means any person or corporation who is named as such under this Act

(8) "Liaise Commissioner" means the officer appointed by the Local

(v) clause (2), sub-section 8, section 17, Government of India Act, 1919.

(9) "Laissez officer" means a Collector or any officer or other person ap-

8 notices upon persons under section 8

(10) "Excise revenue" means revenue derived or derivable from any duty,

tax, penalty, payment (other than a fine imposed by a Court of Law) or

any to be 'any' and to provisions of order imposed on persons

(ii) "Export" means to take out of the territories to which this Act

100% of the time. The results of the study are as follows:

(12) "Import" means to bring into the territories to which this Act applies

(13) "Informing" means—

(a) all the products or preparations of the hemp plant (*Cannabis sativa*)

բաւ պրքիս 10 շաբաթ 'տնե՛լ յօ հաւաքն թղ յարսն աւանդ հիւստարօ

boards,

¹ In Assam the Chief Commissioner, see Act V II of 1912, s. 3, and Sch. D, Pt. III, ante.

[illegible]

its title, the Sage Hills and the Lushai Hills. *See* Asian Government Publications, dated 20th November 1912, Asian Gazette, 1912, Part II, p 1003, and Vol. 1003.

2001 N. 4th St., dated 2nd May 1913, 4th 1913, 12th 1913, 15th 1913, 18th 1913, 21st 1913, 24th 1913, 27th 1913, 30th 1913, 31st 1913, 1st 1914, 2nd 1914, 3rd 1914, 4th 1914, 5th 1914, 6th 1914, 7th 1914, 8th 1914, 9th 1914, 10th 1914, 11th 1914, 12th 1914, 13th 1914, 14th 1914, 15th 1914, 16th 1914, 17th 1914, 18th 1914, 19th 1914, 20th 1914, 21st 1914, 22nd 1914, 23rd 1914, 24th 1914, 25th 1914, 26th 1914, 27th 1914, 28th 1914, 29th 1914, 30th 1914, 31st 1914, 1st 1915, 2nd 1915, 3rd 1915, 4th 1915, 5th 1915, 6th 1915, 7th 1915, 8th 1915, 9th 1915, 10th 1915, 11th 1915, 12th 1915, 13th 1915, 14th 1915, 15th 1915, 16th 1915, 17th 1915, 18th 1915, 19th 1915, 20th 1915, 21st 1915, 22nd 1915, 23rd 1915, 24th 1915, 25th 1915, 26th 1915, 27th 1915, 28th 1915, 29th 1915, 30th 1915, 31st 1915, 1st 1916, 2nd 1916, 3rd 1916, 4th 1916, 5th 1916, 6th 1916, 7th 1916, 8th 1916, 9th 1916, 10th 1916, 11th 1916, 12th 1916, 13th 1916, 14th 1916, 15th 1916, 16th 1916, 17th 1916, 18th 1916, 19th 1916, 20th 1916, 21st 1916, 22nd 1916, 23rd 1916, 24th 1916, 25th 1916, 26th 1916, 27th 1916, 28th 1916, 29th 1916, 30th 1916, 31st 1916, 1st 1917, 2nd 1917, 3rd 1917, 4th 1917, 5th 1917, 6th 1917, 7th 1917, 8th 1917, 9th 1917, 10th 1917, 11th 1917, 12th 1917, 13th 1917, 14th 1917, 15th 1917, 16th 1917, 17th 1917, 18th 1917, 19th 1917, 20th 1917, 21st 1917, 22nd 1917, 23rd 1917, 24th 1917, 25th 1917, 26th 1917, 27th 1917, 28th 1917, 29th 1917, 30th 1917, 31st 1917, 1st 1918, 2nd 1918, 3rd 1918, 4th 1918, 5th 1918, 6th 1918, 7th 1918, 8th 1918, 9th 1918, 10th 1918, 11th 1918, 12th 1918, 13th 1918, 14th 1918, 15th 1918, 16th 1918, 17th 1918, 18th 1918, 19th 1918, 20th 1918, 21st 1918, 22nd 1918, 23rd 1918, 24th 1918, 25th 1918, 26th 1918, 27th 1918, 28th 1918, 29th 1918, 30th 1918, 31st 1918, 1st 1919, 2nd 1919, 3rd 1919, 4th 1919, 5th 1919, 6th 1919, 7th 1919, 8th 1919, 9th 1919, 10th 1919, 11th 1919, 12th 1919, 13th 1919, 14th 1919, 15th 1919, 16th 1919, 17th 1919, 18th 1919, 19th 1919, 20th 1919, 21st 1919, 22nd 1919, 23rd 1919, 24th 1919, 25th 1919, 26th 1919, 27th 1919, 28th 1919, 29th 1919, 30th 1919, 31st 1919, 1st 1920, 2nd 1920, 3rd 1920, 4th 1920, 5th 1920, 6th 1920, 7th 1920, 8th 1920, 9th 1920, 10th 1920, 11th 1920, 12th 1920, 13th 1920, 14th 1920, 15th 1920, 16th 1920, 17th 1920, 18th 1920, 19th 1920, 20th 1920, 21st 1920, 22nd 1920, 23rd 1920, 24th 1920, 25th 1920, 26th 1920, 27th 1920, 28th 1920, 29th 1920, 30th 1920, 31st 1920, 1st 1921, 2nd 1921, 3rd 1921, 4th 1921, 5th 1921, 6th 1921, 7th 1921, 8th 1921, 9th 1921, 10th 1921, 11th 1921, 12th 1921, 13th 1921, 14th 1921, 15th 1921, 16th 1921, 17th 1921, 18th 1921, 19th 1921, 20th 1921, 21st 1921, 22nd 1921, 23rd 1921, 24th 1921, 25th 1921, 26th 1921, 27th 1921, 28th 1921, 29th 1921, 30th 1921, 31st 1921, 1st 1922, 2nd 1922, 3rd 1922, 4th 1922, 5th 1922, 6th 1922, 7th 1922, 8th 1922, 9th 1922, 10th 1922, 11th 1922, 12th 1922, 13th 1922, 14th 1922, 15th 1922, 16th 1922, 17th 1922, 18th 1922, 19th 1922, 20th 1922, 21st 1922, 22nd 1922, 23rd 1922, 24th 1922, 25th 1922, 26th 1922, 27th 1922, 28th 1922, 29th 1922, 30th 1922, 31st 1922, 1st 1923, 2nd 1923, 3rd 1923, 4th 1923, 5th 1923, 6th 1923, 7th 1923, 8th 1923, 9th 1923, 10th 1923, 11th 1923, 12th 1923, 13th 1923, 14th 1923, 15th 1923, 16th 1923, 17th 1923, 18th 1923, 19th 1923, 20th 1923, 21st 1923, 22nd 1923, 23rd 1923, 24th 1923, 25th 1923, 26th 1923, 27th 1923, 28th 1923, 29th 1923, 30th 1923, 31st 1923, 1st 1924, 2nd 1924, 3rd 1924, 4th 1924, 5th 1924, 6th 1924, 7th 1924, 8th 1924, 9th 1924, 10th 1924, 11th 1924, 12th 1924, 13th 1924, 14th 1924, 15th 1924, 16th 1924, 17th 1924, 18th 1924, 19th 1924, 20th 1924, 21st 1924, 22nd 1924, 23rd 1924, 24th 1924, 25th 1924, 26th 1924, 27th 1924, 28th 1924, 29th 1924, 30th 1924, 31st 1924, 1st 1925, 2nd 1925, 3rd 1925, 4th 1925, 5th 1925, 6th 1925, 7th 1925, 8th 1925, 9th 1925, 10th 1925, 11th 1925, 12th 1925, 13th 1925, 14th 1925, 15th 1925, 16th 1925, 17th 1925, 18th 1925, 19th 1925, 20th 1925, 21st 1925, 22nd 1925, 23rd 1925, 24th 1925, 25th 1925, 26th 1925, 27th 1925, 28th 1925, 29th 1925, 30th 1925, 31st 1925, 1st 1926, 2nd 1926, 3rd 1926, 4th 1926, 5th 1926, 6th 1926, 7th 1926, 8th 1926, 9th 1926, 10th 1926, 11th 1926, 12th 1926, 13th 1926, 14th 1926, 15th 1926, 16th 1926, 17th 1926, 18th 1926, 19th 1926, 20th 1926, 21st 1926, 22nd 1926, 23rd 1926, 24th 1926, 25th 1926, 26th 1926, 27th 1926, 28th 1926, 29th 1926, 30th 1926, 31st 1926, 1st 1927, 2nd 1927, 3rd 1927, 4th 1927, 5th 1927, 6th 1927, 7th 1927, 8th 192

- (b) every admixture of, and every intoxicating drink made from, any such product or preparation,
- (c) cocaine, and every preparation and admixture thereof, and
- (d) any other intoxicating drink or substance which the Local Government may specify in this behalf by notification, and every preparation or admixture of the same,

but does not include opium or anything which is included in "opium" as defined in the Opium Act, 1878¹.

- (1-f) "Liquor" means intoxicating liquor and includes all liquid consisting of or containing alcohol; also tauri and pachwai in any form; and any substance which the Local Government may, by notification, declare to be liquor for the purposes of this Act.

"Manufacture."

(1-g) "Manufacture" includes every process, whether natural or artificial, by which any excisable article is produced or prepared, also redistillation and every process for the rectification, flavouring, blending, or colouring of liquor.

"Pachwai."

(16) "Pachwai" means any fermented rice, millet, or other grain, whether mixed with any liquid or not, and any liquid obtained therefrom, whether diluted or undiluted, but does not include beer.

"Place."

(17) "Place" includes a house, building, shop, tent, vessel, raft and vehicle.

"Sale."

(18) Expressions referring to "Sale" include any transfer otherwise than by way of gift.

"Spirit."

(19) "Spirit" means any liquor containing alcohol, obtained by distillation, whether it is denatured or not.

"Tari."

(20) "Tari" means juice, whether fermented or unfermented, drawn from any kind of palm tree.

"Transport."

(21) "Transport" means to move from one place to another within the territories to which this Act applies.

Power to

4. The Local Government¹ with the previous sanction of the Governor General in Council may, by notification, declare what, for the purposes of this Act, shall be deemed to be "Country liquor" and "Foreign liquor", respectively.

Liquor,

respectively.

Power to

define

"ganja," etc.

Wholesale

and retail

sale.

6. The Board² may, by notification, declare, with respect either to the whole of the territories to which this Act applies or to any local area comprised therein, and as regards purchases generally or any specified class of purchasers and generally or for any specified occasion, what quantity of any excisable article shall, for the purposes of this Act, be the limit of sale by retail and of sale by wholesale, respectively.

Saving of

certain enact-

7. Save as is provided in section 2 and in the Schedule, nothing contained in this Act shall affect the provisions of the Cantonment Act, 1889,⁴ the Sea XIII of 1889.

¹ In Assam, the Chief Commissioner—see Act VII of 1912, s. 3, and Sob. D, Pt. III, ante.

² Genl. Acts, Vol. II.

³ See footnote to s. 3 (2), ante.

⁴ See now the Cantonments Act, 1910 (XV of 1910).

VI of 1878 Customs Act, 1878, or the Indian Tariff Act, 1891, or any rule or order made under the said Acts

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CHAPTER II

ESTABLISHMENTS AND CONTROL

8. (1) Within a district the administration of the Excise Department shall be under the charge of the District Collector and the collection of the excise revenue shall be under the charge of the District Officer or officers appointed by the Government for the purpose.

(a) appoint an officer who shall, subject to the control of the Board, have the control of the administration of the Excise Department and of the collection of the excise revenue;

(b) appoint any person other than the District Collector who shall, subject to the control of the District Collector, exercise all or any of the powers and perform all or any of the duties of a Collector under this Act, or any other law for the time being in force relating to the excise revenue.

(c) appoint officers of the Excise Department of such classes and with such designations, powers and duties under this Act as the Local Government may think fit,

(d) order that all or any of the powers and duties assigned to any officer under clause (c) of this section shall be exercised and performed by any Government officer or any other person ;

(e) delegate to the Board, all or any of its powers under this Act ,

(f) withdraw from any officer or person all or any of his powers or duties under this Act ,

(e) delegate to the Board, all or any of its powers under this Act,
(f) withdraw from any officer or person all or any of his powers or duties under this Act,

—authorise— (6)

(1) the Board, to delegate to the Excise Commissioner, and also in such cases and such matters as the Local Government may specify, to a Commissioner of a Division,

(11) the Excise Commissioner, and in such cases and such matters as the Local Government may specify, a Commissioner of a Division, subject to the control of the Board, to delegate to Collectors, and

(iii) Collectors, subject to the control of the Excise Commissioner and the Board,* to delegate to subordinate officers, subject to such conditions and restrictions as may be prescribed by any rules made under section 36, sub-section (2), clause (a),

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See footnote to 2 (c), page 1.

any powers conferred upon, or delegated to, or exercised in respect of the excise revenue by the Board,¹ the Excise Commissioner, Commissioners of Divisions and Collectors, respectively, by or under the provisions of this Act or of any other law for the time being in force relating to excise.

9. (1) In all proceedings under this Act, the Excise Commissioner and the Commissioner of the Division shall be subject to the control of the Board,¹ and the Collector shall be subject to the control of the Excise Commissioner and the Board, and shall also, in such cases and such matters as the² Local Government may specify, be subject to the control of the Commissioner of the Division.

(2) Orders passed under this Act or under any rule made hereunder shall be appealable as follows in manner prescribed by such rules as the² Local Government may make in this behalf—

(a) to the District Collector, any order passed by a Collector other than the District Collector;

(b) to the Excise Commissioner, or, in such cases and such matters as the² Local Government may specify, to the Commissioner of the Division, any order passed by the District Collector; and

(c) to the Board,¹ any order passed by the Excise Commissioner or by the Commissioner of a Division.

(3) In cases not provided for by clauses (a), (b) and (c) of sub-section (2) orders passed under this Act or under any rules made hereunder shall be appealable in such cases and to such authorities as the² Local Government may declare by rules made in this behalf.

(4) The Board,¹ the Excise Commissioner, the Commissioner of the Division (in such cases and such matters as the² Local Government may specify), or the District Collector may call for the proceedings held by any officer or person subordinate to it or him or subject to its or his control and pass such orders thereon as it or he may think fit.

CHAPTER III.

IMPORT, EXPORT AND TRANSPORT.

10. (1) No excisable article shall be imported unless—

(a) the² Local Government has given permission, either general or special, for its import;

(b) such conditions (if any) as the² Local Government may impose have been satisfied; and

(c) the duty (if any) imposed under section 21 has been paid or a bond has been executed for the payment thereof.

Restrictions
on import.

(2) Sub section (1) shall not apply to any article which has been imported into British India and was liable on such importation, to duty under the Indian Tariff Act, 1894, or the Sea Customs Act, 1878.

(3) Clauses (a) and (b) of sub section (1) shall not apply to liquor manufactured in British India and declared under section 4 to be foreign liquor.

11. No excisable article shall be exported or transported unless—

(a) the duty (if any) imposed under section 21, or

(b) if the article was previously imported, the duty (if any) imposed on its importation under the Indian Tariff Act 1894 or the Sea Customs Act, 1878.

has been paid or a bond has been executed for the payment thereof

Provided that the Board may subject to such conditions (if any) as it thinks fit to impose exempt any excisable article from the provisions of this section

12. The Local Government may, by notification—

(a) with the sanction of the Governor General in Council, prohibit the import or export of any excisable article into or from the territories to which this Act applies or any part thereof or

(b) prohibit the transport of any excisable article

13. No excisable article exceeding such quantity as the Local Government may prescribe by notification either generally for the whole of the territories to which this Act applies or for any local area comprised therein, shall be imported or transported, except under a pass issued under the provisions of the next following section

Provided that in the case of duty paid foreign liquor other than denatured spirit such passes shall be dispensed with, unless the Local Government shall, by notification, otherwise direct with respect to any local area

14. Passes for the import, export or transport of excisable articles may be granted by the Collector or by an officer specially authorised by the Excise Commissioner in that behalf

Such passes may be either general for definite periods and specified kinds of excisable articles or special for specified occasions and particular consignments only

CHAPTER IV

MANUFACTURE, POSSESSION AND SALE

15. (1) Except under the authority and in accordance with the terms and conditions of a license granted in that behalf by the Collector or by the

Excise Commissioner—

(a) no excisable article shall be manufactured,

(b) no excisable article shall be possessed, or

(c) no excisable article shall be sold,

- (b) no hemp plant (*Cannabis sativa*) shall be cultivated or collected;
- (c) no liquor shall be bottled for sale;
- (d) no distillery or brewery shall be constructed or worked; and
- (e) no person shall use, keep or have in his possession any materials, still, utensil, implement or apparatus whatsoever for the purpose of manufacturing any excisable article other than *tari* :

Provided that nothing in clause (c) shall apply to *tari* which may lawfully be sold under clauses (b) to (e) of proviso (4) to section 18.

(2) Unless and until the Local Government shall, by notification issued under sub-section (3), direct otherwise, nothing in clause (a) of sub-section (1) shall apply to—

- (i) *tari* intended to be used solely for the manufacture of *gur* or mollasses,
- (ii) *tari* intended to be used solely for the preparation of food for domestic consumption, and not as an intoxicant or for the preparation of any intoxicating article or of any article for sale, and
- (iii) *tari* up to a limit of four seers for the domestic consumption of the person in possession of the tree from which it is drawn.

(3) Notwithstanding anything contained in sub-section (2), the Local Government may, by notification, prohibit the manufacture of *tari* by any person or class of persons either throughout the territories to which this Act applies, or in any local area comprised therein, either absolutely or subject to such conditions as it may prescribe.

16. The Excise Commissioner, with the sanction of the Board,² may—
- (a) establish a distillery, in which spirit may be manufactured under a license granted under section 15, sub-section (1), on such conditions as the Local Government thinks fit to impose;
- (b) discontinue any distillery so established;
- (c) license, on such conditions as the Local Government thinks fit to impose, the construction and working of a distillery or brewery;
- (d) establish or license a warehouse wherein any excisable article may be deposited and kept without payment of duty; and
- (e) discontinue any warehouse so established.

17. (1) No person shall have in his possession any quantity of any excisable article in excess of such quantity as the Board² may, under section 6, declare to be the limit of sale by retail, except under the authority and in accordance with the terms and conditions of—

- (i) a license for the manufacture, sale or supply of such article, or
- (ii) in the case of intoxicating drugs, a license for the cultivation or collection of the plants from which such drugs were produced, or
- (iii) a permit granted by the Collector in that behalf.

Establishment or licensing of distilleries, breweries and ware-houses.

Limit of possession, with exceptions and special cases.

(2) Nothing in sub section (1) shall apply to—

- (a) any foreign liquor other than denatured spirit in the possession of any common carrier or warehouseman, as such, or
 (b) any foreign liquor lawfully procured by, and in the possession of, any person for his own *bona fide* private consumption and not for sale,
 or
 (c) *larr* intended to be used solely for the manufacture of *gurr* or *molas* ses, or
 (d) *larr* intended to be used solely for the preparation of food for domestic consumption and not as an intoxicant or for the preparation of any intoxicating article or of any article for sale

(3) Notwithstanding anything contained in sub sections (1) and (2), the Local Government may, by notification, prohibit the possession by any person or class of persons, either throughout the whole of the territories to which this Act applies, or in any local area comprised therein, of any excisable article, either absolutely or subject to such conditions as it may prescribe
 18. No excisable article shall be sold except under the authority and in accordance with the terms and conditions of a license granted by the Collector or the Excise Commissioner in that behalf

Provided as follows—

- (1) a license for sale in more than one district shall be granted only by the Excise Commissioner or by a Collector specially authorised by the Excise Commissioner in this behalf,
 (2) on such conditions as may be determined by the Board, a license for sale granted under the Excise law in force in another province may be deemed to be a license granted under this Act,
 (3) a person licensed to cultivate or collect the plant, from which an intoxicating drug is produced, may sell without a license those portions of the plant, from which the intoxicating drug is manufactured or produced, to any person licensed under this Act to deal in the same, or to any officer whom the Excise Commissioner may prescribe,
 (1) nothing in this section applies to—

- (a) the sale of any foreign liquor lawfully procured by any person for his private use and sold by him or on his behalf or on behalf of his representative in interest upon his quitting a station or after his decease,
 (b) the sale of *larr* lawfully possessed by a person in possession of the *larr* from which it was drawn to a person licensed under this Act to manufacture or sell *larr*,
 (c) the sale of *larr* lawfully possessed and intended to be used solely for the manufacture of *gurr* or *molas* ses,

- (d) the sale of *lawi* lawfully possessed and intended to be used solely for the preparation of food for domestic consumption, and not as an intoxicant or for the preparation of any intoxicating article or of any article for sale, and
- (e) the sale of *lawi* lawfully possessed and intended to be used in the manufacture of bread to a person holding a permit to use *lawi* for the purpose of making bread.

19. The Local Government may grant to any person, on such conditions and for such period as it may think fit, the exclusive privilege of manufacturing or of supplying to licensed vendors or of manufacturing and supplying to licensed vendors any country liquor or intoxicating drug within any specified local area.

No grantee of any exclusive privilege under this section shall exercise the same until he has received a license in that behalf from the Excise Commissioner.

20. Within the limits of any military cantonment, and within such distance from those limits as the Local Government¹ in any case may prescribe, no license for the manufacture or sale of liquor shall be granted, except with the previous consent of the Commanding Officer.

CHAPTER V.

DUTIES AND FEES.

21. A duty, at such rate or rates as the Local Government¹ may direct, may be imposed, either generally or for any specified local area, on any excisable article—

- (a) imported; or
- (b) exported; or
- (c) transported; or
- (d) manufactured, cultivated or collected under any license granted under section 15; or
- (e) manufactured in any brewery or distillery licensed or established under section 16:

Provided as follows:—

- (1) Duty shall not be so imposed on any article which has been imported into British India and was liable on such importation to the payment of duty under the Indian Tariff Act, 1894,² or the Sea Customs Act, 1878;³

¹ See footnote to s. 4 *ante*.
² Genl. Acts, Vol. IV.
³ Genl. Acts, Vol. II.

(2) Unless the Local Government,¹ with the previous sanction of the Governor General in Council, otherwise directs, the duty on beer or denatured spirit manufactured in India shall be equal to the duty to which like liquor imported into British India by sea is liable under the Indian Tariff Act, 1894,² or the Sea Customs Act, 1878³

Explanation—Duty may be imposed under this section at different rates according to the places to which any excisable article is to be removed for consumption, or according to the varying strengths and quality of such article

22. Subject to such rules regulating the time, place and manner, as the Method of Local Government⁴ may prescribe, any duty imposed under section 21 may be levied as follows—

(a) in the case of excisable articles imported,—
 (i) either in the territories to which this Act applies or in the province or territory from which the article is imported, or
 (ii) upon issue for sale from a warehouse established or licensed under section 16, clause (d),
 (b) in the case of excisable articles exported,—
 in the territories to which this Act applies or in the province or territory to which the article is exported,
 (c) in the case of excisable articles transported,—
 (i) in the district from which the excisable article is transported, or
 (ii) upon issue for sale from a warehouse established under section 16, clause (d),
 (d) in the case of intoxicating drugs,—

(i) as a rate assessed on the area covered by a license granted under the provisions of section 15, sub-section (1), clause (b), or on the quantity or output of the crop cultivated or collected under such license, or
 (ii) as a rate charged upon the quantity produced or manufactured under a license granted under the provisions of section 15, sub-section (1), clause (a), or issued from a warehouse established or licensed under section 16, clause (d),
 (c) in the case of spirit or beer manufactured in any distillery or brewery established or licensed under section 16,—

(i) as a rate charged upon the quantity produced in or issued from the distillery or brewery, as the case may be, or issued from a warehouse established or licensed under section 16, clause (d), or

¹ See footnote to A. & C. Act,
² Genl. Act, Vol. IV.
³ Genl. Act, Vol. II.

(ii) as a rate charged in accordance with such scale of equivalents calculated on the quantity of materials used or by the degree of attenuation of the wash or wort, as the case may be, as the Local Government¹ may prescribe :

Provided that, where payment is made upon issue of an excisable article for sale from a warehouse established or licensed under section 16, clause (d), it shall be at the rate of duty in force in respect of such article on the date of issue from such warehouse.

23. Instead of or in addition to any duty leviable under this Chapter, the Local Government¹ may accept payment of a sum in consideration of the grant of any exclusive privilege under section 19.

CHAPTER VI.

LICENSES, PERMITS AND PASSES.

24. Every license, permit or pass granted under any section of the Ben-gal Excise and Licensing Act, 1878,² and in force at the commencement of this Ben. Act VII of 1878, shall be deemed to have been granted under the corresponding section of this Act, and shall (unless previously cancelled, suspended or surrendered under this Chapter) remain in force for the period for which it was granted.

25. Every license, permit or pass granted under this Act—

- (a) shall be granted—
 - (i) on payment of such fees, if any,
 - (ii) for such period, and
 - (iii) subject to such restrictions and on such conditions, and
- (b) shall be in such form and contain such particulars, as the Board,³ subject to any rules made under section 36, sub-section (2), clause (g), may direct either generally or in any particular instance in this behalf.

Provided that no fee shall be charged for any permit granted under section 17 for the possession of an excisable article for *bond fide* private consumption or use.

26. Every person taking out a license under this Act may be required to execute a counterpart agreement in conformity with the tenor of his license, and to give such security, by way of deposit or otherwise, for the performance of his agreement as the authority granting the license may require.

27. (1) No license granted under this Act shall be deemed to be invalid by reason merely of any technical defect, irregularity or omission in the license, or in any proceedings taken prior to the grant thereof.

¹ See footnote to s. 4 ante.
² Printed ante.
³ See footnote to s. 3 (2) ante.

Technical defects, irregularities, and omissions.

Counterpart agreement and security

Form and conditions of licenses, etc.

Existing licenses, etc.

Payment for grant of exclusive privilege.

(2) The decision of the Board¹ as to what is a technical defect, irregularity or omission shall be final

28. Before licenses are granted in any year for the retail sale of any excisable article, the Collector shall take such measures, in accordance with rules made by the Local Government² in this behalf, as may best enable him to ascertain local public opinion in regard to the licensing and location of shops.

29. (1) Subject to such restrictions as the Local Government³ may prescribe, the authority who granted any license, permit or pass under this Act may cancel or suspend the same—

- (a) if any duty or fee payable by the holder thereof be not duly paid, or by any one acting on his behalf, with his express or implied permission, or any of the terms or conditions of such license, permit or pass, or
- (b) in the event of any breach by the holder thereof or by his servants, or of any cognizable and non bailable offence, or of any offence punishable under the Merchandise Marks Act, 1889,⁴ or under sections 482 to 489 of the Indian Penal Code,⁵ or
- (c) if the holder thereof is convicted of any offence punishable under this Act or any other law for the time being in force relating to revenue, or
- (d) if the holder thereof is punished for any offence referred to in clause 8 of section 167 of the Sea Customs Act, 1878,⁶ or
- (e) at will, if the conditions of the license, permit or pass provided for such cancellation or suspension

(2) When a license, permit or pass held by any person is cancelled under clauses (a), (b), (c) or (d) of sub section (1), the authority aforesaid if subordinate to, or subject to the control of, the District Collector, may, with the sanction of the District Collector, or, if himself the District Collector, cancel any other law of the Excise Commissioner, cancel any other license, permit or pass granted to such person within the same district under this Act or under the Opium Act, 1878,⁷ and the Excise Commissioner may cancel any such license, permit or pass granted to such person in any district to which this Act applies

(3) The holder of a license, permit or pass shall not be entitled to any compensation for the cancellation or suspension of his license, permit or pass under this section or to the refund of any fee paid or deposit made in respect thereof. Provided that in cases of hardship the Excise Commissioner may grant such payment of compensation or refund or fee or deposit as he may think fit.

30. (1) Wherever the authority stated in section 29 considers that a license should be cancelled otherwise than under the provisions of that section, he

I of 1878.

VIII of 1878

IX of 1880
XIV of 1880.

¹ See Sections 2 and 3 (2) and 4, respectively, and
² Genl. Act, Vol. I
³ Genl. Act, Vol. I
⁴ Genl. Act, Vol. II

Cancellation of license in other cases

shall remit a sum equal to the amount of the fees payable in respect thereof for fifteen days and may cancel the license either—

- (a) on the expiration of fifteen days' notice in writing of intention to do so, or
(b) forthwith without notice.

(2) If any license be cancelled under clause (b) of sub-section (1), the aforesaid authority shall, in addition to remitting such sum as aforesaid, pay to the licensee such further sum by way of compensation as the Excise Commissioner may direct.

(3) When a license is cancelled under this section, any fee paid in advance or deposit made by the licensee in respect thereof shall be refunded to him, less the amount, if any, due to Government.

31. Any holder of a license granted under this Act to sell an excisable article may surrender his license on the expiration of one month's notice in writing given by him to the Collector of his intention to surrender the same, and on payment of the fee payable for the license for the whole period for which it would have been current but for such surrender :

Provided that, if the Excise Commissioner is satisfied that there is sufficient reason for surrendering a license, he may remit to the holder thereof the sum so payable on surrender and any fee paid in advance or any portion of such sum or fee :

Provided also that nothing in this section shall apply in the case of a license held by the grantee of an exclusive privilege under section 19.

Explanation.—In this section and in section 34, the words "holder of a license" include a person whose bid, tender, or application for a license has been accepted by the Excise officer empowered to grant such license, although such person may not in fact have received the license.

32. No person to whom a license has been granted under this Act shall have any claim to the renewal of such license, or, save as is provided in section 30, any claim to compensation on the determination thereof.

CHAPTER VII.

GENERAL PROVISIONS.

33. Every person who manufactures or sells any excisable article under a license granted under this Act—

(a) shall supply himself with such measures, weights and instruments as the Local Government may prescribe, and shall keep the same in good condition ; and

(b) on the requisition of any Excise officer duly empowered in that behalf, shall at any time measure, weigh or test any excisable article in his possession in such manner as such officer may require.

34. If any person to whom an exclusive privilege has been granted under section 19, or any holder of a license granted under this Act makes default in payment of any sum payable in respect of such privilege or license or in complying with any other condition thereof, the Collector may take such privilege or the grant expressed in such license under management, or may sell such privilege or grant at the risk and loss of the defaulter.

35. All excise revenue, including any loss that may accrue when, in consequence of default, a privilege or grant has been taken under management or of dues received by the Collector under section 34, and all amounts due to Government by any person on account of any contract relating to the excise revenue, may be recovered from the person primarily liable to pay the same or from his surety (if any) by distress and sale of his movable property or as areas of land and revenue, or in the manner provided for the recovery of public demands by any law for the time being in force.

36. (1) The Local Government may make rules for the purpose of carrying out the provisions of this Act or any other law for the time being in force relating to the excise revenue.

(2) In particular and without prejudice to the generality of the foregoing provision, the Local Government may make rules—

(a) regulating the delegation of any powers by the Board, the Excise Commissioner, Commissioners of Divisions and Collectors under section 8, sub section (2), clause (g),

(b) prescribing the powers, duties, subordination and control of officers of the Excise Department,

(c) regulating appeals and revisions, and in particular—

(i) declaring the cases in which and authorities to whom appeals shall be under sub section (3) of section 9,

(ii) prescribing the time and manner for presenting appeals, and the procedure for dealing with appeals under sub section (2) and under sub section (3) of section 9, and

(iii) declaring, in cases not provided for by the Act, the Excise officers or classes of Excise officers who shall for the purposes of sub section (f) of section 9, be subordinate to, or subject to the control of, the several authorities specified in that sub section,

(d) regulating the import, export, transport, or possession of any excisable article,

(e) regulating the manufacture, supply, storage or sale of any excisable article, and in particular regulating—

(i) the erection, inspection, supervision, management and control of any place for the manufacture, supply, storage, or sale of any such article, and the fittings, implements and apparatus to be maintained thereon,

- (i) the cultivation of the hemp plant (*Cannabis sativa*), the collection of the spontaneous growth of such plant, and the preparation of any intoxicating drug from such growth;
- (ii) the tapping of *larri*-producing trees and the drawing of *larri* from such trees;
- (iv) the bottling of liquor for sale;
- (f) regulating the deposit of excisable articles in warehouses and the removal of such articles from warehouses, distilleries or breweries;
- (g) regulating the periods for which and the persons to whom licenses for the sale of any excisable article may be granted, and providing for the selection of sites at which shops may be opened;
- (h) prescribing the procedure to be followed and the matters to be ascertained before any license for such sale is granted in any local area;
- (2) prescribing in the case of any excisable article the manner in which the duty on such article shall be levied;
- (f) prescribing the scale of fees or the manner of fixing the fees payable in respect of any privilege, license, permit or pass or in respect of the storing of any excisable article;
- (k) prescribing the time, place and manner of payment of any duty or fee;
- (l) prescribing the restrictions under and the conditions on which any license, permit or pass may be granted, and in particular providing for—
- (i) the prohibition of the admixture with any excisable article of any foreign substance;
- (ii) the regulation or prohibition of the reduction of liquor by a licensed manufacturer or licensed vendor from a higher to a lower strength;
- (iii) the fixing of the strength, price or quantity in excess of or below which any excisable article shall not be supplied, sold, or kept or exposed for sale, the fixing of the quantity in excess of which denatured spirit shall not be possessed, and the fixing of a standard of quality for any excisable article;
- (iv) the regulation or prohibition of the employment by the license-holder of any person or class of persons in or upon his business premises during business hours or to assist him in his business in any capacity whatsoever;
- (v) the specification of the persons or classes of persons to whom any excisable article may or may not be sold;
- (vi) the prohibition of sale except for cash;
- (vi) the prevention of drunkenness, intoxication, gambling or disorderly conduct in or near the business premises of the licensee-

holder and of the meeting or remaining of persons of bad character in such premises;

(viii) the fixing of the days and hours during which such premises may or may not be kept open, and the closure of such premises on special occasions;

(ix) the specification of the nature of the premises in which any excisable article may be sold and the notices to be exposed at such premises,

(x) the accounts to be maintained and the returns to be submitted by license-holders, and

(xi) regulating or prohibiting the transfer of licenses,

(ii) (1) the process by which spirit manufactured in British India shall be denatured,

(ii) for causing such spirit to be denatured through the agency or under the supervision of its own officers,

(iii) for ascertaining whether such spirit has been denatured;

(ii) providing for the destruction or other disposal of any excisable article deemed to be unfit for use,

(o) regulating the disposal of confiscated articles;

(p) providing for the grant of expenses to witnesses;

(q) regulating the power of Excise officers to summon witnesses from a distance under the provisions of section 13; and

(r) providing for the grant of compensation to persons improperly arrested and subsequently released by any Excise officer under section 13, and to persons charged before a Magistrate with offences under this Act and acquitted.

Explanation—Fees may be prescribed under sub-clause (i) at different rates for different classes of exclusive privileges, licenses, permits, passes or storage, and for different areas.

CHAPTER VIII.

PREVENTION, DETECTION AND INVESTIGATION OF OFFENCES.

37. The Excise Commissioner or a Collector or any Excise or Police officer, not below such rank as the Local Government may, by notification, prescribe, may enter and inspect at any time or by night any place in which any

licensed manufacturer carries on the manufacture of or stores any excisable article, and any place in which any excisable article is kept for sale by any

licensed person and may examine accounts and registers, and examine, test, measure or weigh any measures, weights, testing instruments, materials, stills,

utensils, implements, apparatus or excisable article found in such place.

38. Subject to such restrictions as the Local Government may prescribe, any of the following persons, namely—

(1) any officer employed in the Excise, Police, Salt, or Customs Departments or by a body of Port Commissioners, not below such rank as the Local Government may prescribe,

(2) within such areas as the Local Government may, by notification, direct, such officers of the Land Revenue Department as may be specified in such notification,

(3) any other person duly empowered, and

(4) in any public place, any Excise or Police officer, may—

(a) arrest without warrant any person found committing an offence punishable under section 53 or section 54,

(b) seize, detain and carry away any excisable or other article which he has reason to believe to be liable to confiscation under this Act, or any other law for the time being in force relating to the excise revenue, and

(c) detain and search any person upon whom and any vessel, raft, vehicle, animal, package, receptacle, or covering in or upon which he may have reasonable cause to suspect any such article to be.

39. A Collector or Magistrate having reason to believe that an offence punishable under sections 53, 54, 55, 56, 57 or 60 has been or is likely to be committed may—

(a) issue his warrant for the search of any place in which he has reason to believe that any excisable article, still, utensil, implement, apparatus or materials, in respect of which such offence has been or is likely to be committed, are kept or concealed, and

(b) issue his warrant for the arrest of any person whom he has reason to believe to have been or to be likely to be engaged in the commission of any such offence.

40. (1) A Collector or Magistrate may at any time search or direct a search to be made in his presence of any place for the search of which he is competent to issue a search warrant under section 39.

(2) A Collector or Magistrate may at any time arrest or direct the arrest in his presence of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant under section 39.

41. Any Excise or Police-officer, not below such rank as the Local Government may, by notification, prescribe, having reason to believe and having recorded the grounds of his belief that an offence under sections 53, 54, 55, 56, 57 or 60 has been, is being, or is likely to be, committed in any place, and that a search-warrant cannot be obtained without affording the offender an opportunity of escaping or of concealing evidence of the offence, may at any time by day or night—

(a) enter into and search such place;

Arrest, seizure and search without warrant.

Issue of warrants.

Search and arrest in presence of Collector or Magistrate.

Search, seizure and arrest, following upon entry without warrant, in emergency cases.

(b) seize and carry away anything found therein which he has reason to believe to be liable for confiscation under this Act; and (c) detain and search, if he thinks proper, arrest any person found in such place whom he has reason to believe to have committed any such offence as aforesaid.

42. (1) A Collector may, without the order of a Magistrate, investigate any offence punishable under this Act which a Court having jurisdiction over the local area within the limits of such Collector's jurisdiction would have power to inquire into or try under the provisions of Chapter XV of the Code of Criminal Procedure, 1898, relating to the place of inquiry or trial.

(2) Any order of seizure of property by a Magistrate, without the order of a Court having jurisdiction over the local area to which such officer is appointed would have power to inquire into or try under the provisions of the Criminal Procedure Code, 1908.

43. (1) Any Collector or other officer empowered under the provisions of section 42, sub-section (2), having recorded in writing his reasons for suspecting the commission of an offence in which he is empowered to investigate, may exercise the powers conferred upon a Police-officer making an investigation or upon an officer in charge of a police-station by sections 160 to 171 of the Code of Criminal Procedure, 1898,¹ and, as regards offences punishable under sections 53, 54, 55, 56, 57 and 60 of this Act, the powers conferred upon such Police-officers, in respect of cognizable offences by the first clause of sub-section (2) of section 51 and by section 56 of the said Code

(2) Subject to such restrictions as the Local Government may prescribe, a Collector or, with the previous permission of the Collector but not otherwise, any other officer specially empowered under section 42 may, without reference to a Magistrate, and for reasons to be recorded by him in writing, stop further proceedings against any person concerned or supposed to be concerned in any offence which he has investigated.

(c) For the purposes of the provisions of section 166 of the Code of Criminal Procedure, 1898, the area to which an officer specially empowered under section 12, sub-section (2), is appointed shall be deemed to be a police-station, and such officer the officer in charge of such station.

(7) As soon as an investigation under section 12 has been completed, it appears that there is sufficient evidence to justify the forwarding of the accused to a Magistrate, the investigating officer, when he does not proceed under sub-section (2) or under section 20 shall submit a report, which for the purposes of section 190 of the Code of Criminal Procedure, 1898, I shall be deemed to be a police report, in such form as the Local Government may prescribe to a Magistrate having jurisdiction to inquire into or try the case and empowered to take cognizance of offences on police reports.

44. (1) Articles seized and, unless security for their appearance before the Collector be taken, persons arrested under the warrant of a Collector shall be produced before such Collector.

(2) Articles seized under the provisions of sections 38 and 41, and persons arrested under the said provisions by persons or officers not empowered to accept bail shall be produced before or forwarded to—

(a) the Collector or other officer empowered under section 42 to investigate the case, or

(b) an Excise officer empowered under section 49 to accept bail, or

(c) the officer in charge of the nearest police-station, whoever is nearest.

(3) When a person arrested is produced before an Excise officer empowered under section 49 to accept bail, or before an officer in charge of a police-station, such officer shall forward such person to, or take security for his appearance before, the Collector or other officer empowered under section 42 to investigate the case.

(4) When articles seized cannot be conveniently conveyed before the officer specified in sub-sections (1) and (2), the person making the seizure shall dispose of them in some place of safety, and forthwith report the seizure to such officer.

45. (1) All officers in charge of police-stations shall take charge of and keep in safe custody, pending the orders of a Collector, or other officer empowered under section 42 to investigate the case, all articles seized under this Act which may be delivered to them; and shall allow any Excise officer who may accompany such articles to the police-station or may be deputed for the purpose by an official superior to affix his seal to such articles, and to take samples of and from them.

(2) All samples so taken shall also be sealed with the seal of the officer in charge of the police-station.

46. When any Excise officer below the rank of Collector or the officer in charge of a police-station makes or receives information of any arrest, seizure or search under this Act, he shall, within twenty-four hours thereafter, make a full report of all the particulars of the arrest, seizure or search or of the information received to the Collector, and to the other officer, if any, empowered under section 42, sub-section (2), within the local limits of whose jurisdiction the arrest, seizure or search was made.

47. (1) Save as is in this Act otherwise expressly provided, the provisions of the Code of Criminal Procedure, 1898, relating to arrests, searches, warrants of arrest and search-warrants shall apply, so far as may be, to like warrants issued and to arrests and searches made under the provisions of this Act.

(2) For the purposes of the aforesaid provisions, a Collector shall be deemed to be a Court.

Production of persons arrested or articles seized.

Police custody of articles seized.

Reports of arrests, seizures and searches.

Procedure in executing warrants and in making arrests and searches.

(3) Warrants issued by a Collector shall ordinarily be directed to one or more District officers

(f) Officers to whom a Collector's warrant is directed or endorsed, and officers other than Collectors making arrests, searches and seizures under section 38 or section 41 shall, for the purpose of the aforesaid provisions of the Code of Criminal Procedure, be deemed to be police officers

48. No person arrested under the provisions of this Act shall be detained in custody for a longer period than under all the circumstances determined in the case is reasonable, and such period shall not exceed twenty-four hours, exclusive of the time necessary for the journey from the place of arrest to the place where a Collector or other officer empowered under section 42 to investigate the case may be and thence to the Court of a Magistrate having jurisdiction to inquire into or try the case

49. (1) When a Collector issues a warrant for the arrest of any person under this Act, he shall in every such case direct in the manner provided in section 76 of the Code of Criminal Procedure, 1898, that such person shall be released from custody on bail or, if the Collector thinks fit, on his own bond.

(2) When any person is arrested otherwise than under a warrant, under this Act and is prepared to give bail, he shall be released on bail or at the discretion of the officer releasing him, on his own bond

(3) All District officers, not below such rank as the Local Government may prescribe, shall be empowered to accept bail

(4) If the arrest be made otherwise than under a warrant, by a person or officer not empowered to accept bail, and the person arrested is prepared to give bail, the officer or person making the arrest shall for that purpose, take the person arrested to —

(a) the nearest District officer empowered to accept bail or

(b) the nearest officer in charge of a police station, whoever is nearer

(5) Bonds taken under this section from persons arrested otherwise than under warrant shall bind such persons to appear before a Collector or other officer empowered under section 42 to investigate the case

(6) The provisions of sections 198 to 202, 511 and 512 of the Code of Criminal Procedure 1898, shall apply, so far as may be, in every case in which bail is accepted or a bond taken under this section

50. Subject to such conditions (if any) as the Local Government may, by notification, prescribe, every officer employed in the Police, Salt and Customs Department, every officer employed by a body of Port Commissioners, every village chairman, and within such areas as the Local Government may, by notification, direct, such officers of the Land Revenue Department as may be specified in such notification, shall be bound —

(a) to give immediate information to an Excise officer of all breaches of any of the provisions of this Act which may come to his knowledge, and

(b) to give immediate information to an Excise officer of all breaches of any of the provisions of this Act which may come to his knowledge, and

(b) to aid any Excise officer reasonably demanding his aid in the due carrying out of any of the provisions of this Act.

51. In such areas as the Local Government may, by notification, direct, and subject to such conditions and exceptions (if any) as it may, by notification, prescribe, whenever any excisable article is manufactured, or any hemp plant is cultivated or collected, on any land, or in any place or village, in contravention of the provisions of this Act, all owners or occupiers of such land or place, and their agents, and all members of panchayats, village headmen, manuzadars, mandals, patwaris and village recorders in such village, as the case may be, shall, in the absence of reasonable excuse, be bound to give information of the fact to a Collector, to a Magistrate or to an officer of the Excise or Police Department as soon as such fact may come to his knowledge.

52. (1) The District or Sub-divisional Magistrate may, by notice in writing to the licensee, require that any shop in which any excisable article is sold by retail shall be closed at such times or for such periods as such Magistrate may deem necessary for the preservation of the public peace.

(2) If any riot or unlawful assembly is apprehended or occurs in the vicinity of any such shop, any Magistrate, or any police-officer above the rank of constable who is present, may order the person in charge thereof to keep it closed for such period as the Magistrate or Police-officer may think necessary: Provided that no shop shall be kept closed under this sub-section for a longer period than 48 hours without the order of a Magistrate.

(3) When any Magistrate or Police-officer makes a requisition or direction under sub-section (1) or sub-section (2), he shall forthwith report the fact to the Collector having jurisdiction on the local area in which the shop is situated. (4) The Excise Commissioner may grant to the licensee of a shop kept closed under sub-section (1) or (2) such compensation as he may think fit.

CHAPTER IX.

PENALTIES AND PROCEDURE.

53. Whoever, in contravention of this Act or of any rule, notification or order made or issued under this Act, or of any license, permit or pass granted under this Act,—

(a) imports, exports, transports, manufactures, possesses or sells any excisable article; or

(b) cultivates, collects or sells the hemp plant (*Cannabis sativa*); or

(c) taps, or draws *larri* from, any *larri*-producing tree; or

(d) constructs or works any distillery or brewery; or

(e) uses, keeps or has in his possession any materials, still, utensil, implement or apparatus whatsoever, for the purpose of manufacturing

any excisable article other than *larri*; or

(f) bottles any liquor for purposes of sale;

54. Whoever without lawful authority has in his possession any quantity of any excisable article, knowing the same to have been unlawfully imported, transported or manufactured, or knowing that the prescribed duty has not been paid thereon, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

55. Whoever attempts to render fit for human consumption any spirit, whether manufactured in British India or not, which has been denatured, or has in his possession any spirit in respect of which he knows or has reason to believe that any such attempt has been made, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

56. Whoever, being the holder of a license permit or pass granted under this Act, or being in the employ of such holder, willfully contravenes any rule made under section 36 (2) (1), (2), (3), (4), (5) and (6), shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

57. Whoever, being the holder of a license, permit or pass granted under this Act, or being in the employ of such holder,—

(a) keeps or exposes for sale, as foreign liquor, any liquor which he knows or has reason to believe to be country liquor, or

(b) mixes or or other deals with any bottle case package or other receptacle containing foreign liquor, with the intention of causing it to be behaved that such bottle, case, package or other receptacle contains foreign liquor,

shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

58. Whoever, being the holder of a license, permit or pass granted under this Act, or being in the employ of such holder and acting on his behalf,—

(a) fails to produce such license, permit or pass on the demand of any such officer or of any other officer duly empowered to make such demand, or

(b) in any case not otherwise provided for in this Act willfully contravenes any rule made under section 36 or willfully does or omits to do any thing in breach of any of the conditions of such license, permit or pass,

shall be punished in case (a) with fine which may extend to fifty rupees, and in case (b) with fine which may extend to five hundred rupees.

59. The holder of a license, permit or pass granted under this Act shall be punishable, as well as the actual offender, for any offence punishable under sections 53, 54, 55, 56, 57 or 58 committed by any person in his employ

mitted by his and acting on his behalf, as if he had himself committed such offence, unless he establishes that all due and reasonable precautions were exercised by him to prevent the commission of such offence :

Provided that no person other than the actual offender shall be punished with imprisonment except in default of payment of fine.

60. (1) If any chemist, druggist, apothecary or keeper of a dispensary allows any excisable article, which has not been *bond fide* medicated, to be consumed on his business premises by any person not employed in his business, he shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(2) If any person not employed as aforesaid consumes any such excisable article on such premises, he shall be punished with fine which may extend to two hundred rupees,—

61. Whoever, being an Excise officer,—

- (a) without reasonable grounds of suspicion, searches or causes to be searched any place, under colour of exercising any power conferred by this Act, or
- (b) vexatiously and unnecessarily seizes any property of any person on the pretence of seizing or searching for any article liable to confiscation under this Act, or
- (c) vexatiously and unnecessarily detains, searches or arrests any person, or
- (d) without lawful excuse ceases or refuses to perform, or withdraws himself from the duties of his office, unless expressly and in writing allowed to do so by the Collector, or unless he shall have given to his immediate superior two months' notice in writing of his intention to do so ; or
- (e) is guilty of cowardice,

Consumption of excisable articles in druggists' shop.

Vexatious search, seizure, detention or refusal of duty or confiscation on part of Excise officer.

shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

62. Whoever, in any case not otherwise provided for under this Act, willfully contravenes any of the provisions of this Act or of any rule, notification or order made or issued thereunder, shall be punished with fine which may extend to two hundred rupees.

Offences not specifically provided for.

Attempts.

63. Whoever attempts to commit any offence punishable under this Act shall be liable to the punishment provided for such offence.

Enhanced

punishment after previous conviction.

64. If any person, after having been previously convicted of an offence punishable under sections 53, 54, 55, or 60 or under the similar provisions in any enactment repealed by this Act, subsequently commits and is convicted of an offence punishable under any of those sections, he shall be liable to twice the punishment which might be imposed on a first conviction under this Act :

Provided that nothing in this section shall prevent any offence, which might otherwise have been tried summarily under Chapter XXII of the Code

of Criminal Procedure, 1898, from being so tried

65. (1) No Magistrate shall take cognizance of an offence punishable—
(a) under sections 53, 54, 55 or 60 except on his own knowledge or suspicion,
or on the complaint or report of an Excise officer,
(b) under sections 56, 57, 58 or 62, except on the complaint or report of a Collector or other officer empowered under section 12, subsection (2), to investigate the case, or

(c) under clauses (d) and (e) of section 61, except with the sanction of the District Collector

(2) Except with the special sanction of the Local Government no Magistrate shall take cognizance of any offence punishable under this Act, unless the prosecution is instituted within six months after the commission of the offence

66. Offences under this Act shall be triable only by Magistrates exercising powers not less than those of a Magistrate of the second class

67. (1) When in any prosecutions under this Act or in any proceedings taken under section 65, such section (2), the question arises whether an offence punishable under this Act has been committed in respect of—

(a) any excisable article or licence plant (*Canabis sativa*), or
(b) any still, utensil, implement or apparatus whatsoever for the manufacture of any excisable article other than *lari*, or
(c) any materials such as are ordinarily used in the manufacture of any excisable article,

if the person found in possession thereof fails to account satisfactorily for such possession, it may be presumed, until the contrary is proved, that his possession was in contravention of the provisions of this Act
(2) When in any prosecution under section 58, any licensed vendor is charged with permitting drunkenness or intoxication in his shop or in any public room of his business premises, and it is proved that any person was drunk or intoxicated in such shop or room, it shall be on such vendor to prove that he and the persons employed by him took all reasonable steps for preventing drunkenness or intoxication in such shop or room

68. Whenever an offence punishable under this Act has been committed, liability to compensation shall be liable to confiscation, namely—

(a) the excisable article, licence plant (*Canabis sativa*), still, utensil, implement, apparatus or materials in respect of or by means of which such offence has been committed,
(b) any excisable article lawfully imported, transported, manufactured, sold in possession or sold along with any excisable article liable to confiscation as aforesaid,

(c) the receptacles, packages and coverings, in which anything liable to confiscation under clause (a) or clause (b) is found, and the other contents, if any, of such receptacles and packages and ;
 (d) the animals, carts, vessels, rafts or other conveyances used in carrying anything referred to in the foregoing clauses :

Provided that when it is proved that the receptacles or other articles specified in clauses (c) and (d) are not the property of the offender, the said articles shall not be liable to confiscation if the owner thereof establishes that he had no reason to believe that such offence was being or was likely to be committed.

69. (1) When in any case tried by a Magistrate, the Magistrate decides that anything is liable to confiscation under section 68, he shall order such thing to be confiscated and placed at the disposal of the Collector.

(2) When in any other case in which anything has been seized under this Act an investigating officer proceeds under section 43, sub-section (2), or the Collector, upon an investigation made, whether by the Collector or other officer under section 42, is of opinion that the thing seized is not liable to confiscation under section 68, such investigating officer or the Collector, as the case may be, shall order the delivery of such thing to the person from whose possession it was taken.

(3) When upon an investigation made as aforesaid it appears to the Collector that an offence under this Act has been committed, and that anything seized under this Act is liable to be confiscated, and it further appears that the offender is not known or cannot be found, the Collector shall inquire into and determine the case, and, if he finds that the thing is liable to confiscation under section 68, shall order such confiscation :

Provided that no such order shall be made until the expiration of two months from the date of seizing the thing intended to be confiscated or without hearing any person who may appear within that period and claim any right to such thing, and the evidence, if any, which he produces in support of his claim :

Provided, further, that if the thing in question is liable to speedy and natural decay, or if the Collector is of opinion that its sale would be for the benefit of the owner, the Collector may at any time direct it to be sold; and the provisions of this sub-section and of sub-section (2) shall, as nearly as may be practicable, apply to the net proceeds of such sale.

70. (1) When any license, permit or pass is liable to be cancelled or suspended under clause (a) or clause (b) of section 29, sub-section (1), or when any person is reasonably suspected of having committed an offence under this Act other than an offence under section 61, the Excise Commissioner or a Collector, instead of enforcing such cancellation or suspension or instituting a prosecution in respect of such offence, may accept from the holder of such license, permit or pass or from such person a sum of money not exceeding two hundred rupees, and thereupon such holder or person, if in custody, shall be discharged, and no

Power to
compound
offences.

Procedure in
regard to
articles liable
to confisca-
tion.

Further proceedings in respect of such liability or offence shall be taken against him

And if in any such case any property has been seized as liable to confiscation under this Act, the Excise Commissioner or the Collector may release the same on receiving payment of the value thereof as estimated by him, or of such smaller sum as he may think fit

(2) The Excise Commissioner or Collector may also, after the institution

against any person of a prosecution in respect of any offence under this Act other than an offence under section 61, compound the offence on payment by such person of a sum of money not exceeding two hundred rupees.

71. Every proceeding under this Act before a Collector shall be decided by a judicial proceeding within the meaning of section 228 of the Indian Penal Code,¹ and the Collector engaged in such proceeding shall be deemed to be a Revenue Court within the meaning of section 580 of the Code of Criminal Procedure, 1898²

CHAPTER X

MISCELLANEOUS

72. The foregoing provisions of this Act shall not apply to the import, manufacture, possession, supply, or sale of any *bona fide* medicated article for medicinal purposes by medical practitioners, chemists, druggists, apothecaries or keepers of dispensaries, except in so far as the Local Government may, by notification, so direct

73. The Local Government may, by notification, either wholly or partially and subject to such conditions as it may think fit to prescribe, exempt any class of persons or territories to which this Act applies or in any specified area contained therein or for any specified period or occasion, or as regards any specified class of persons

74. Nothing contained in section 261 of the Bengal Municipal Act, 1881,³ or in section 285 of the Bengal Municipal Act, 1876,⁴ shall apply to any brew-ery, distillery or warehouse established or licensed under this Act, or to the premises used for the manufacture or sale of any excisable article by the holder of a license granted under this Act for such manufacture or sale.

75. All rules made and notifications issued under this Act shall be published in the Government Gazette⁵ and, on such publication, shall have effect as if enacted in this Act.

76. No suit shall be brought against the Secretary of State for India in Council, or against any Excise officer in respect of any thing done, or in good faith purport-

¹ Civil Act, Vol. I. s. 228 and 229.
² Civil Act, Vol. I. s. 228 and 229.
³ Civil Act, Vol. I. s. 228 and 229.
⁴ Civil Act, Vol. I. s. 228 and 229.
⁵ In A. and the Indian Gazette, Vol. VII of 1912, s. 3 and 4 and 5.

Ben Act III of 1897.
Ben Act V of 1870.

ing to be done, in pursuance of this Act or of any other law for the time being in force relating to the excise revenue.

Limitation of suits and proceedings.

77. No suit, prosecution or other proceeding against the Secretary of State for India in Council or against any Excise officer in respect of anything done or alleged to have been done in pursuance of this Act or of any other law for the time being in force relating to the excise revenue, shall, except as provided in section 65, sub-section (2), be entertained in any Court unless the suit, prosecution or other proceeding is instituted within six months from the date of the act complained of.

SCHEDULE.

ENACTMENTS REPEALED.

(SEE SECTION 2.)

| 1 | 2 | 3 |
|------------------|--------------|-------------------|
| Number and year. | Short Title. | Extent of repeal. |

PART I.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

| | | |
|--------------|---|---|
| XVI of 1863 | The Excise (Spirits) Act, 1863. | So much as has not been repealed. |
| IX of 1885 | The Excise and Sea Customs Law Amendment Act, 1885. | In the title, the words and figures "The Bengal Excise Act, 1878, and" |
| XIII of 1890 | The Excise (Malt Liquors) Act, 1890. | In the title, the words and figures "The Bengal Excise Act, 1878, and" |
| VIII of 1894 | The Indian Tariff Act, 1894 | In the preamble, the words and figures "The Bengal Excise Act, 1878, and" |
| V of 1897 | The Amending Act, 1897 | Sections 6, 7 and 8 and the heading prefixed thereto. |
| | | Section 6. |
| | | So much of the second Schedule as relates to Bengal Act I of 1883. |

1910: E. B. & A. Act 1.] *Revised*.
1911: E. B. & A. Act 1.] *Court of Wards.*

SCHEDULE—*concl.*
ENACTMENTS REPEALED—*concl.*

PART II.—BENGAL ACTS.

| 1 | 2 | 3 |
|------------------|---|--|
| Number and year. | Short Title. | Extent of repeal. |
| VII of 1878 | The Bengal Excise and Licensing Act, 1878 | So much as has not been repealed |
| IV of 1881 | The Bengal Excise Act Amendment Act, 1881. | Ditto. |
| I of 1883 | The Bengal Excise (Amendment) Act, 1883 | Ditto. |
| I of 1893 | The Public Demands Recovery Act, 1893 | In section 7, clause (d), the words and figures "is recoverable under the Bengal Excise Act, 1878, or which" |
| II of 1903 | The Bengal Excise and Licensing (Amendment) Act, 1903 | The whole. |

THE EASTERN BENGAL AND ASSAM ACT I OF 1911

[THE EASTERN BENGAL AND ASSAM COURT OF WARDS (AMENDMENT) ACT, 1911]

[3rd May, 1911.]
An Act further to amend the Bengal Court of Wards Act, 1879.

WHEREAS it is expedient further to amend the Bengal Court of Wards Act, 1879;

It is hereby enacted as follows:—

1. This Act may be called the Eastern Bengal and Assam Court of Wards Short title.

(Amendment) Act, 1911.

2. At the end of section 50 of the Bengal Court of Wards Act, 1879, the following shall be added, namely:—

"or mortgages on immovable property."

Amendment
of Bengal Act
IX of 1879,
section 50.

class or classes or individual or individuals of them, shall be brought before him, and may make any inquiries which he thinks proper regarding the accuracy of the entries in the registers or returns, and the employer shall be bound to the best of his ability to comply with every such requisition and to answer every such inquiry made by the Inspector

7. (1) In addition to the powers hereinbefore conferred, the Local Government¹ may make rules to carry out any of the purposes of this Act

Power to make rules

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may—

- (a) prescribe the form of all registers under this Act,
- (b) define and regulate the powers and duties of Inspectors appointed by it under this Act,
- (c) prescribe what returns and reports shall be made under this Act by any such Inspector or by any employer, and the form in which such returns and reports shall be respectively so made

8. Whoever, being an employer, refuses or wilfully omits to keep such registers or to make such periodical returns in writing to the Inspector as may be prescribed by any rule made under this Act, or knowingly keeps an incorrect register or makes an incorrect return, shall be punishable with fine which may extend to Rs 200

Employer re-
fusing or
omitting to
keep regis-
ters, etc

9. Whoever, being an employer or acting under the orders or on behalf of an employer, wilfully obstructs any entry, inspection or inquiry, or omits to comply with any requisition, made under section 6, shall for every such offence be punishable with fine which may extend to Rs 200

Employer or
other person
obstructing
Inspector
under section
6
Powers of
Local Govern-
ment to
exclude estates
etc., from
the Act

10. The Local Government² may, by notification in the local official Gazette, exclude any specified portion of the district or any specified estate or class of estates, from the operation of this Act

EASTERN BENGAL AND ASSAM ACT 3 OF 1912³

[THE EASTERN BENGAL AND ASSAM MILITARY POLICE ACT, 1912]

[30th March, 1912]

An Act for the Regulation of the Eastern Bengal and Assam Military Police.

WHEREAS it is expedient to consolidate and amend the law in force in Eastern Bengal and Assam relating to the maintenance of discipline among Military Police Officers,

¹ In Assam, the Chief Commissioner—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912) s 3 Sch D Pt III ante

² Legislative papers—For Statement of Objects and Reasons see E. B. and A. Gazette, 1912, Pt V, pp. 10, 11 for Proceedings of Council, see *ibid*, Pt VI, pp 13, 14 Extra p. 18.

| | |
|---|---|
| | With the enacted as |
| Title, extent and com- mencement. | 1. (1) The Police Act, (2) It ex (3) It sh by notificati behalf. |
| Repeal. | 2. The Regulation, |
| Definitions. | 3. In th context,— |

(2) Notwithstanding section 9 of Act V of 1861¹, a Military Police Officer shall not be entitled to be discharged except in accordance with the terms of the statement which he has signed under this Act

5. There may be all or any of the following classes of Military Police Officers, who shall take rank in the order mentioned namely —

Classes and rank of Military Police Officers.

- (i) Subadars Major,
- (ii) Subadars,
- (iii) Jamadars,
- (iv) Havildars Major,
- (v) Havildars,
- (vi) Nalks,
- (vii) Buglers and sipahis,

and such grades in each class as the Local Government² may, from time to time direct

6. A Military Police Officer who, whether within or without British India—

Heinous offences

- (a) begins, excites causes or joins in any mutiny or sedition, or, being present at any mutiny or sedition, does not use his utmost endeavours to suppress it or, knowing or having reason to believe in the existence, of any mutiny or sedition does not without delay give information thereof to his Commanding or other superior officer, or
- (b) uses or attempts to use criminal force to or commits an assault on, his superior officer knowing or having reason to believe him to be such, whether on or off duty, or
- (c) shamefully abandons or delivers up any garrison fortress post or guard which is committed to his charge or which it is his duty to defend or
- (d) in the presence of an enemy or of any person in arms against whom it is his duty to act shamefully casts away his arms or his ammunition or intentionally uses words or any other means to induce any Police Officer to abstain from acting against the enemy or to discourage such officer from acting against the enemy, or who otherwise misbehaves or
- (e) directly or indirectly holds correspondence with or communicates intelligence to or assists or relieves any person in arms against the State or omits to discover immediately to his Commanding or other superior officer any such correspondence or communications coming to his knowledge or
- (f) directly or indirectly assists or relieves with money, victuals or ammunition or knowingly harbours or protects, any enemy or person in arms against the State, or

¹ Genl. Acts, Vol. I

² See second footnote to s. 1 ante

who, while on active service,—

- (g) disobeys the lawful command of his superior officer; or
- (h) deserts or attempts to desert the service; or
- (i) being a sentry, sleeps upon his post, or quits it without being regularly relieved or without leave; or
- (j) without authority leaves his Commanding Officer, or his post or party, to go in search of plunder; or
- (k) quits his guard, picquet, party or patrol without being regularly relieved or without leave; or
- (l) uses criminal force to, or commits an assault on, any person bringing provisions or other necessities to camp or quarters, or forces a safeguard, or without authority breaks into any house or any other place for plunder, or plunders, destroys or damages any property of any kind; or
- (m) intentionally causes or spreads a false alarm in action, camp, garrison or quarters;

shall be punished with transportation for life, or with imprisonment which may extend to fourteen years to which a fine not exceeding five hundred rupees may be added, or with a fine not exceeding five hundred rupees.

7. A Military Police Officer who, whether within or without British India,—

- (a) is in a state of intoxication when on or detailed for any duty, or on parade, or on the line of march; or
- (b) strikes, or forces or attempts to force, any sentry; or
- (c) being in command of a guard, picquet or patrol, refuses to receive any prisoner duly committed to his charge, or, whether in such command or not, releases any prisoner without proper authority or negligently suffers any prisoner to escape; or
- (d) being deputed to any guard, picquet or patrol, quits it without being regularly relieved or without leave; or
- (e) being in command of a guard, picquet or patrol, permits gambling or other behaviour prejudicial to good order and military police discipline; or
- (f) being under arrest or in confinement, leaves his arrest or confinement before he is set at liberty by proper authority; or
- (g) is grossly insubordinate or insolent to his superior officer in the execution of his office; or
- (h) refuses to superintend or assist in the making of any field work or other military work of any description ordered to be made either in quarters or in the field; or
- (i) strikes or otherwise ill-uses any Military Police Officer subordinate to him in rank or position; or
- (j) being in command at any post or on the march and receiving a complaint that any one under his command has beaten or otherwise

maltreated or oppressed any person, or has committed any riot or trespass, fails, on proof of the truth of the complaint, to have due reparation made as far as possible to the injured person and to report the case to the proper authority, or

- (k) designedly or through neglect injures or loses or fraudulently or without due authority disposes of his arms, clothes, tools, equipment, ammunition, accoutrements or other necessaries, or any such articles entrusted to him or belonging to any other person, or
- (l) malingers, feigns or produces disease or infirmity in himself, or intentionally delays his cure or aggravates his disease or infirmity, or
- (m) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person, or
- (n) commits extortion, or without proper authority exacts from any person carriage, portorage or provisions, or
- (o) designedly or through neglect kills, injures, makes away with ill-treats or loses his horse, or any animal used in the public service,

or who, while not on active service,—

- (p) disobeys the lawful command of his superior officer, or
- (q) plunders, destroys or damages any property of any kind, or
- (r) being a sentry, sleeps at his post or quits it without being regularly relieved or without leave, or
- (s) deserts or attempts to desert the service, or
- (t) neglects to obey any battalion or other orders, or commits any act or omission prejudicial to good order and military police discipline, such act or omission not constituting an offence under the Indian Penal Code¹ or other Act in force in Eastern Bengal and Assam,

shall be punished with imprisonment for a term which may extend to one year, or with a fine not exceeding two hundred rupees, or with both

8. (1) A District Magistrate or a Commandant, or, subject to the control of the Commandant, an Assistant Commandant, and, subject to the same control, an officer not below the rank of a Jamadar commanding a separate detachment or an outpost or in temporary command of the Military Police at the headquarters of a district during the absence of the District Magistrate, Commandant and Assistant Commandant, may, without a formal trial, award to any Military Police Officer below the rank of Naik who is subject to his authority any of the following punishments for the commission of any petty offence against discipline, which is not otherwise provided for in this Act, or which is not of a sufficiently serious nature to call for a prosecution before a Criminal Court, that is to say:—

- (a) imprisonment to the extent of seven days in the quarter-guard or such other place as may be considered suitable, with forfeiture of pay and allowances during its continuance;

Minor
offences and
punishments

(b) punishment drill, extra guard, fatigue or other duty, not exceeding thirty days in duration, with or without confinement to lines ;

(c) forfeiture of pay and allowances for a period not exceeding one month.

(2) Any of these punishments may be awarded separately or in combination with any one or more of the others.

Manner of
imprison-
ment.

9. Any Military Police Officer sentenced under this Act to imprisonment for a period not exceeding three months shall, when he is also dismissed from the police force, be imprisoned in the nearest or such other jail as the Local Government¹ may, by general or special order, direct, but, when he is not also dismissed from that force, he may, if the convicting Court or the District Magistrate so directs, be confined in the quarter-guard or such other place as the Court or Magistrate may consider suitable.

Powers of
Command-
ants and
Assistant
Commandants
for inquiring
into offences
under this and
other Acts.

10. Notwithstanding anything in Act V of 1861,² or in any other enactment for the time being in force, the Local Government¹ may invest any Commandant or Assistant Commandant with the powers of a Magistrate of any class for the purpose of inquiring into or trying any offence committed by a Military Police Officer and punishable under Act V of 1861² or this Act, and any offence committed by a Military Police Officer against the person or property of another such officer and punishable under any section of the Indian Penal Code² or of XL³ any other Act in force in Eastern Bengal and Assam.

Privileges of
Command-
ants and
Assistant
Command-
ants.

11. A Commandant or Assistant Commandant of Military Police shall be entitled to all the privileges which a Police Officer has under sections 42 and 43 of Act V of 1861,² section 125 of the Indian Evidence Act, 1872,³ and any other 1 of enactment for the time being in force ;

and shall, subject to such rules as the Local Government¹ shall, from time to time make in this behalf, exercise all the powers of District Superintendents of Police within the meaning of Act V of 1861.²

Power of
Local Gov-
ernment to
make rules.

12. The Local Government¹ may, as regards the Military Police, make such orders and rules, consistent with this Act, as it thinks expedient, relative to the several matters respecting which the Inspector General of Police, with the approval of the Local Government,¹ may, as regards the police force, frame orders and rules under section 12 of Act V of 1861.²

¹ See second footnote to s. 1, ante.

² Genl. Acts, Vol. I.

³ Genl. Acts, Vol. II.

THE SCHEDULE

STATEMENT

(See sections 3 and 4)

After you have served for three years in the Eastern Bengal and Assam Military Police you may at any time when not on active service apply for your discharge through the officer to whom you may be subordinate to a Commandant of Military Police or to the Magistrate of the district in which you may be serving and you will be granted your discharge after two months from the date of your application unless your discharge would cause the vacancies in the Military Police to exceed one tenth of the sanctioned strength, in that case you must remain until this objection is waived by competent authority or removed. But when on active service you have no claim to a discharge and you must remain and do your duty until the necessity for retaining you in the Military Police ceases when you may make your application in the manner hereinbefore prescribed. In the event of your re-enlistment after you have been discharged you will have no claim to reckon for pension or any other purpose your service previous to your discharge.

Signature of Police Officer in
acknowledgment of the above
having been read to him }

A B

Signed in my presence after I
had ascertained that A B
understood the purport of
what he signed }

C D

*Magistrate Commandant
or Assistant Commandant*

APPENDIX I.—NOTIFICATIONS UNDER THE SCHEDULED DISTRICTS ACT, 1874, IN FORCE IN ASSAM.

A.—EXPLANATORY NOTE.

The whole of Assam is a Scheduled District ; it comprises :—

- (1) the Cachar, Darrang, Garo Hills, Goalpára, Kámrúp, Khási and Jaintia Hills, Lakhimpur, Nága Hills, Nowgong, Sibságar and Sylhet Districts ; and

- (2) the Lushai Hills District.

See Part X of Schedule I to the Scheduled Districts Act, 1874 (XIV of 1874, printed in General Acts, Vol. II) ; also Schedule C to the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912, printed in Vol. I of this Code).

As to the territories formerly known as the North Lushai Hills, see—

- (a) Resolution of the Secretary of State for India in Council, dated 25th September, 1895, in the Assam Local Statutory Rules and Orders, Supplement, 1901, p. 191 ; and

- (b) the third paragraph of section 1 of the Scheduled Districts Act, 1874 (XIV of 1874).

As to the territories formerly known as the South Lushai Hills, see—

- (i) Resolution of the Secretary of State for India in Council, dated 25th September, 1895, in Gazette of India, 1895, Pt. I, p. 935 ; and

- (ii) the third paragraph of section 1 of the Scheduled Districts Act, 1874 (XIV of 1874).

The tract formerly known as Rutton Puiya's villages, including Demagri, was formerly included in the Chittagong Hill-tracts, and is a Scheduled District by virtue of item II of Part III of Schedule I to the Scheduled Districts Act, 1874 (XIV of 1874).

(2) the Lushai Hills District—*contd*

The tract which was transferred from the Cachar district by Notification No 1092-P dated 16th March, 1904, is a Scheduled District by virtue of Part X of Schedule I to the Scheduled Districts Act 1874 (XIV of 1874)

The North Lushai Hills were included in Assam by Notification No 1698 E dated 6th September, 1895 (in Gazette of India 1895 Pt I, p 742), and the South Lushai Hills and the tract formerly known as Rutton Pnya's villages, including Demagiri by Notification No 391-E B dated 1st April 1898 (in Gazette of India 1898 Pt I, p 369)

The Lushai Hills District is mentioned in Schedule C to the Bengal Bihar and Orissa and Assam Laws Act 1912 (VII of 1912) as included in the Chief Commissionership of Assam—*see* Preamble to the Act printed *ante*

2. The Scheduled Districts Act, 1874, has been brought into force in all districts of Assam and many enactments have been notified for them under section 3 or section 5 of the Act—*see post* Certain areas in Assam are to a certain extent de-regulationized these are noted in Appendix II, Table C, *post*, and a list of the enactments which have been barred therein by notification will be found in Appendix II, Table D, *post*

Chronological Tables

3. Table B, *post*, shows all enactments which have been declared in force in or extended to Scheduled Districts in Assam by notification under the Scheduled Districts Act 1874 It must not be taken to contain a complete list of all the enactments in force in these territories for—

- (1) some enactments have been brought into force in Scheduled Districts by notifications issued under Acts other than the Scheduled Districts Act, and

- (2) many enactments are in force in Scheduled Districts *proprio vigore*

The rule generally followed in framing notifications under clause (a) of section 3 of the Scheduled Districts Act has been to include in them those

enactments only whose application was for some reason open to doubt. In some cases (*see, e.g.*, paragraph 2 of Notification No. 308, dated the 3rd March, 1881, *post*), an express clause has been inserted in such notifications, declaring that nothing contained in the notification shall be deemed to affect the operation of enactments not mentioned in it; but this course has not been followed in all cases.

4. Columns 5 and 6 of the Table show all limitations on the application of the various enactments entered in the Table which are specifically mentioned in the notifications. When an enactment is declared in force in, or extended to, any place by notification, it is to be taken as having been declared in force or extended as textually altered by subsequent legislation (if any) up to the date of the notification. This is sometimes, but not always, expressed in the notifications themselves; but, whether expressed or not, the repeals and amendments are not noted in detail in columns 5 and 6 of the Table except where they are detailed in the notifications. Nor does column 6 show repeals and amendments made after the issue of the notifications.

Repeals and amendments can be traced by referring to the Chronological Tables prefixed to Vol. I of this Code or (in the case of General Acts) to Table II of the “Chronological Tables of the Indian Statutes” published by the Legislative Department of the Government of India.

5. Table C, *post*, shows all enactments which have been declared, by notification under clause (b) of section 3 of the Scheduled Districts Act, 1874, to be not actually in force in Assam or parts thereof.

6. Table D, *post*, shows what scheduled districts in Assam are administered under rules made under section 6 of the Scheduled Districts Act, 1874.

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1871 (XIV OF 1871).

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|----------------|---|---|---|--------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended | Extent to which declared in force or extended | Restrictions and modifications | Notification. |
| 1793 | 1 ¹ | The Bengal Permanent Settlement Regulation, 1793. | Declared in force in the District of Sylhet | (1)—Bengal Regulations So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | | <p><i>The 3rd October, 1879</i></p> <p>No 1152 J.—In exercise of the power conferred by section 3 of Act XIV of 1874 (the Scheduled Districts Act, 1874), and in pursuance of the Home Department Notification No 1111, dated the 22nd August, 1878 (Judicial), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to declare that the enactments mentioned in the Schedules hereto annexed are in force in the District of Sylhet in the Chief Commissioner'ship of Assam, to the extent mentioned in the third column to the said Schedules, respectively</p> |

B—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|----------------|--|--|---|---------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| 1793 | 1 ^a | The Bengal Permanent Settlement Regulation, 1793.— <i>contd.</i> | (1)— <i>Bengal Regulations</i> — <i>contd.</i> | | | |
| " | " | Ditto | Declared in force in the District of Goalpara (excluding the Eastern Duars). | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed | .. | Nothing herein contained shall be deemed to affect the operation of any enactment in force in the District of Sylhet and not mentioned in the said Schedules. (Here follow the Schedules which contain, among other enactments, Bengal Regulation I of 1793.) [See Gazette of India, 1879, Pt. II, p. 631; Assam Gazette, 1879, Pt. II, p. 599; the Assam Local Statutory Rules and Orders, 1903, p. 50.] <i>The 1st April, 1897.</i> <i>No. 1242-J</i> —In exercise of the power conferred by section 3, clause (a), of the Scheduled Districts Act (XIV of 1874), and with the previous sanc- |

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|-----------------|---|--|--|---------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| 1793 | 8 ¹ | The Bengal Decennial Settlement Regulation, 1793. | Declared in force in the District of Goalpara (excluding the Eastern Duars). | (1)— <i>Bengal Regulations</i> — <i>contd.</i> So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. | .. | See Notfn. No. 1242, dated 1st April, 1897, <i>ante</i> . |
| " | 11 ¹ | The Bengal Inheritance Regulation, 1793. | Declared in force in the District of Sylhet. | | .. | See Notfn. No. 1152, dated 3rd October, 1879, <i>ante</i> . |
| " | " | Ditto | Declared in force in the District of Goalpara (excluding the Eastern Duars). | | .. | See Notfn. No. 1242, dated 1st April, 1897, <i>ante</i> . |

| | | | | |
|-----------------|---|---|--|---|
| 19 ¹ | The Bengal Revenue free Lands (Non-Budabahi Grants) Regulation, 1793. | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | See Notice No. 1152, dated 3rd October, 1879, ante |
| 37 ² | The Bengal Revenue free Lands (Budabahi Grants) Regulation, 1793 | Ditto | Ditto | Ditto. |
| 38 ³ | The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1793 | Ditto | Ditto | Ditto |
| " | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills) ⁴ | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. | See Notice No. 1212, dated 1st April, 1897, ante |
| 48 ⁵ | Quinquennial Register | Declared in force in the District of Sylhet | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | See Notice No. 1152, dated 3rd October, 1879, ante, |
| 1791 | The Bengal Native Revenue-officers Regulation, 1794 | Ditto | Ditto | Ditto |

¹ Printed in Vol. 1 of this Code.² Ben. Regs. XIX and XXXVII of 1793 have been repealed in Sylhet by the Assam Land and Revenue Regulation, 1880 (I of 1880).³ The operation of this Regulation has since been barred in the whole of the Lushai Hills—see Table C in Appendix II to this Volume.⁴ Ben. Regs. XLVIII of 1792, III of 1794 and XV of 1797 have been repealed in Sylhet by the Assam Land and Revenue Regulation, 1880 (I of 1880).

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---------------------------------------|-----------------|--|---|---|---------------------------------|--|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| (1)—Bengal Regulations— <i>contd.</i> | | | | | | |
| 1797 | 15 ¹ | <i>Fees on division and transfer of estates.</i> | <i>Declared in force in the District of Sylhet.</i> | <i>So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam.</i> | .. | <i>See Notfn. No. 1152, dated 3rd October 1879, ante.</i> |
| 1798 | 1 ² | <i>The Bengal Land (Conditional Sales) Regulation, 1798.</i> | <i>Ditto</i> | <i>Ditto</i> | .. | <i>Ditto.</i> |
| " | " | <i>Ditto</i> | <i>Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern Duars), Kamrup, Lakhimpur, Nongong and Sibsagar.</i> | <i>Ditto</i> | .. | <i>See Notfn. No. 1110, dated 22nd August, 1878, post.</i> |
| 1799 | 5 ³ | <i>The Bengal Wills and Intestacy Regulation, 1799.</i> | <i>Ditto</i> | <i>Ditto</i> | .. | <i>The 22nd August, 1878.</i> |
| | | | | | | <i>No. 1110.—In exercise of the power conferred by section 3 of Act XIV of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to declare</i> |

that the enactments mentioned in the Schedules hereto annexed are in force in the districts of the Chief Commissioner of Assam mentioned in the third column of the said Schedules, to the extent mentioned in the headings to the said Schedules, respectively.

(Here follow the Schedules, which contain among other enactments, *Bengal Regulation V of 1799*.)

2. Nothing herein contained shall be deemed to affect the operation of any enactment [in force] in any of the districts named in the above Schedules and not mentioned in the said Schedules in the said Gazette of India, 1878, Pt. I, p. 533, *Assam Gazette*, 1878, Pt. II, p. 107, the Assam Local Statutory Rules and Orders, 1893, p. 19.]

The 17th October, 1878

No 1121 *Proclamation*—In paragraph 2 of Itemo The partment Notification No 1110, dated the 22nd August

1. Ben Regs XVIII of 1797, III of 1798 and IV of 1797 have been repeated in Sylhet by the Assam Land and Revenue Regulation, 1886 (I of 1886).

2. Ben Reg 1 of 1798 has been repeated in Assam by the Transfer of Property Act, 1892 (IV of 1882).

3. Printed in 1878 *Proclamation*

4. The words "in force" in para 2 of Notification No 1121, dated 17th October, 1878, printed post

5. Printed ante

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|-----|--|--|---|---------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| 1799 | 51 | The Bengal Wills and Intestacy Regulation, 1799— <i>contd.</i> | | | | last, for the words "any enactment in any of the districts named" read "any enactment in force in any of the districts named." [See Gazette of India, 1878, Pt. I, p. 624; Assam Gazette, 1878, Pt. II, p. 535.] |
| " | " | Ditto | Declared in force in the tract transferred from the Naga Hills District to the Sibsaigar District and defined in Notification No. 1436-P., dated the 11th April, 1901. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by an enactment extending to Assam. | | <i>The 11th April, 1901.</i> No. 1439-J.—In exercise of the power conferred by section 3, clause (a), of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Chief Commissioner of Assam is pleased to declare that the enactments mentioned in the Schedule hereto annexed, to the extent set forth in the third column thereof, are in |

(1)—Bengal Regulations—*contd.*

| | | | | | | |
|------|-----------------|---|-------|--|--|---|
| 1800 | " | " | Ditto | Declared in force in the District of Sylhet. | Ditto | force in the tract in the Siliguri District defined in Notification No 1426 P dated the 11th April, 1901 : (Hereo follows the Schedule which contains, among other enactments, Bengal Regulation V of 1799.) (See Assam Gazette, 1901, Pt II, p 294.] |
| " | 8 ^a | The Bengal Revenue free Lands Regulation, 1900 | " | Ditto | Ditto | See Notfn No 1152, dated 3rd October, 1879, ante |
| " | 10 ^a | The Bengal Inheritance Regulation, 1900 | " | Ditto | Ditto | Ditto |
| 1901 | 1 ^a | The Bengal Land revenue Assessment Regulation, 1901 | " | Declared in force in the District of Sylhet | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 3 opposite | See Notfn No 1242, dated 1st April, 1897, ante |
| 1901 | 10 ^a | The Bengal State offences Regulation, 1901 | " | Ditto | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | See Notfn No 1152, dated 3rd October, 1879, ante |

^a Printed in Vol I of this Code
^b Published in Assam Gazette, 1901, Pt II, p 293
^c See, *leges* III of 1900 and I of 1901 have been repealed in Sylhet by the Assam Land and Revenue Regulation, 1886 (I of 1886).

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|-----------------|---|--|--|---------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| | | | (1).— <i>Bengal Regulations—contd.</i> | | | |
| 1804 | 10 ¹ | The Bengal State-offences Regulation, 1804— <i>contd.</i> | Declared in force in the rest of Assam (except the North Lushai Hills). ² | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. | .. | See Notfn. No. 1242, dated 1st April, 1897, <i>ante</i> . |
| 1806 | 11 ¹ | The Bengal Troops Transport and Travellers Assistance Regulation, 1806. | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Notfn. No. 1152, dated 3rd October, 1879, <i>ante</i> . |
| " | " | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills). ² | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. | .. | See Notfn. No. 1242, dated 1st April, 1897, <i>ante</i> . |

| | | | | |
|----|--|---|---|--|
| 17 | The Bengal Land (Pecuniary) Regulation, 1806 | Declared in force in the District of Sylhet | So much as was in force on the 1st January, 1875, in those parts of Rengul District and in any Scheduled District and had not been repealed by any enactment extending to Assam | See No. 1152, dated 3rd October, 1879, ante. |
| " | " | Ditto | Ditto | See No. 1110, dated 22nd August, 1878, ante |
| 18 | The Bengal Charitable Endowments, Public Institutions and Festivals Regulation, 1810 | Declared in force in the District of Sylhet | Ditto | See No. 1152, dated 3rd October, 1879, ante |
| " | Madary Hillas | Ditto | Ditto | Ditto |
| 19 | Jama on divided estates | Ditto | Ditto | Ditto |
| 20 | The Bengal Land Revenue Sales Regulation, 1812 | Ditto | Ditto | Ditto |
| " | The Bengal Foreign Immigrants Regulation, 1817 | Ditto | Ditto | Ditto |

Printed in Vol. I of this Code

The operation of these Regulations has since been barred in the whole of the Lushai Hills—see Table C in Appendix II to this Volume

Ben. Reg. XXII of 1894 has been repealed in Assam by the Transfer of Property Act, 1882 (IV of 1882)

Ben. Reg. XXI of 1910 has been repealed in Assam by the Repealing and Amending Act, 1897 (V of 1897)

Ben. Reg. XX of 1810 has been repealed in Assam by the Cantonments Act, 1889 (XIII of 1889)

Ben. Reg. XI of 1811 and V of 1812 have been repealed in Sylhet by the Assam Land and Revenue Regulation, 1890 (I of 1890)

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XI OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|-----------------|---|--|--|---------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| 1812 | 11 ¹ | The Bengal Foreign Immigrants Regulation, 1812— <i>contd.</i> | (1)— <i>Bengal Regulations</i> — <i>contd.</i> Declared in force in the rest of Assam (except the North Lushai Hills). ² | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. | .. | See Notfn. No. 1242, dated 1st April, 1897, <i>ante</i> . |
| 1814 | 19 ³ | Partition of revenue-paying estates. | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Notfn. No. 1152, dated 3rd October, 1879, <i>ante</i> . |
| 1817 | 20 ⁴ | The Bengal Police Regulation, 1817. | <i>Ditto</i> | <i>Ditto</i> | .. | <i>Ditto</i> . |
| 1818 | 3 ¹ | The Bengal State Prisoners' Regulation, 1818. | <i>Ditto</i> | <i>Ditto</i> | .. | <i>Ditto</i> . |

The 3rd February, 1887.
 No 7 J.—In exercise of the power conferred by section 3 of the Scheduled Districts Act, 1874, the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to declare that Bengal Regulation III of 1818 (a Regulation for the confinement of State Prisoners), Act XXIV of 1870 (an Act for the better custody of State Prisoners) and Act III of 1858 (an Act to amend the law relating to the arrest and detention of State Prisoners) are in force in the Districts of Kamrup, Darrang, Nowgong, Sibsagar, Lakhimpur, Garo Hills, Kham and Jaintia Hills, Naga Hills, Cachar and Goalpara.
 [See Gazette of India, 1887, Pt. I, p. 78, Assam Gazette, 1887, Pt. II, p. 46, the Assam Local Statutory Rules and Orders, 1893, p. 48.]

The 16th January, 1891
 No 170-J.—In exercise of the power conferred by section 3 of the Scheduled Districts Act, XIV of 1874, the Chief Commissioner, with the previous sanction of the

Declared in force in the Districts of Cachar, Darrang, the Garo Hills, Goalpara, Kamrup, the Kham and Jaintia Hills, Lakhimpur, the Naga Hills, Nowgong and Sibsagar

Ditto

The whole

Declared in force in the Mokokchung Sub Division of the Naga Hills District

Ditto

Ditto

Printed in Vol. I of this Code

The operation of this Regulation has since been varied in the whole of the Lushai Hills—see Table C in Appendix II to this Volume.
 Ben. Reg. XX of 1814 has been repealed in Sylhet by the Assam Land and Revenue Regulation, 1890 (I of 1890)
 Ben. Reg. XX of 1817 has been repealed in Assam by the Repealing and Amending Act, 1897 (V of 1897)

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|-----|---|--|--|---------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| 1818 | 31 | The Bengal State Prisoners' Regulation, 1818— <i>contd.</i> | (1)— <i>Bengal Regulations</i> — <i>contd.</i> | | | <p>Governor General in Council, declares the under-mentioned enactments to be in force in the Mokokhang Sub-Division of the Nāga Hills District:—</p> <p>(1) Bengal Regulation III, 1818 (<i>a Regulation for the confinement of State Prisoners</i>);</p> <p>(2) Act XXXIV of 1850 (<i>an Act for the better custody of State Prisoners</i>);</p> <p>(3) Act III of 1858 (<i>an Act to amend the Law relating to the arrest and detention of State Prisoners</i>).</p> <p>See Gazette of India, 1891, Pt. I, p. 252; Assam Gazette, 1891, Pt. II, p. 30; the Assam Local Statutory Rules and Orders, 1893, p. 53, for notification extending these Acts to the tract which was added to the Nāga Hills District and made</p> |

| | | | | | |
|------|-----------------|---|---|--|--|
| 1812 | 2 ^a | The Bengal Land revenue Assessment (Revised Lands) Regulation, 1812 | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1878, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | part of the Mokokchung Sub Division by Notification No 68 P, dated 1st February, 1910 (Eastern Bengal and Assam Gazette, 1910, Pt II, p. 247), see Notification No 74 P, dated 1st February, 1910, Eastern Bengal and Assam Gazette, 1910, Pt II, p. 248 See No. 1152, dated 3rd October, 1879, ante. |
| " | 6 ^a | Ferrea . . . | Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern Duars), Kamrup, Lakhimpur, Nongpog and Subidgar | Ditto | See No. 1110, dated 22nd August, 1878, ante. |
| 1821 | 4 ^a | The Bengal Land revenue (Assistant Collectors) Regulation, 1821 | Declared in force in the District of Sylhet. | Ditto | See No. 1152, dated 3rd October, 1879, ante. |
| 1822 | 3 ^a | The Bengal Board of Revenue Regulation, 1822 | Ditto | Ditto | Ditto. |
| " | 11 ^a | The Bengal Government Indemnity Regulation, 1822 | Ditto | Ditto | Ditto. |
| 1823 | 6 ^a | The Bengal Indigena Comfracts Regulation, 1823 | Ditto | Ditto | Ditto |

¹ Printed Vol I, ante.² Ben. Reg. II of 1819, IV of 1821 and III and VI of 1822 have been repealed in Assam by the Assam Land and Revenue Regulation, 1880(*l* of 1896).³ Ben. Reg. VI of 1819 has been repealed in Assam by the Northern India Ferrea Act, 1878 (XVII of 1878)⁴ Ben. Reg. VI of 1823 has been repealed in Assam by the Repealing and Amending Act, 1891 (XXII of 1891)

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|--|-----|---|--|--|---------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| (1)— <i>Bengal Regulations</i> — <i>contd.</i> | | | | | | |
| 1923 | 71 | The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1923. | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Notfn. No. 1152, dated 3rd October, 1879, <i>ante</i> . |
| " | " | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills). ² | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, <i>opposite</i> . | .. | See Notfn. No. 1242, dated 1st April, 1897, <i>ante</i> . |
| 1925 | 61 | The Bengal Troops Transport Regulation, 1925. | Declared in force in the District of Sylhet. | So much as was in force on 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Notfn. No. 1152, dated 3rd October, 1879, <i>ante</i> . |

| | | | | | |
|---|----|---|---|---|--|
| " | " | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills). | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite | See Notfn No 1242, dated 1st April, 1897, ante. |
| " | 9 | The Bengal Land revenue Settlement Population, 1825 | Declared in force in the District of Sylhet | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | See Notfn No 1152, dated 3rd October, 1879, ante |
| " | 11 | The Bengal Allusion and Division Regulation, 1825 | Ditto | Ditto | Ditto |
| " | " | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills). | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite | See Notfn No 1242, dated 1st April, 1897, ante |
| " | 13 | The Bengal Land revenue Settlement (Revised) Admanga and Revenue free Lands) Population, 1825 | Declared in force in the District of Sylhet | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | See Notfn No 1152, dated 3rd October, 1879, ante |
| " | 14 | The Bengal Revenue free Lands Population, 1825 | Ditto | Ditto | Ditto |
| " | 29 | Courts Martial and Military Courts of Requests | Ditto | Ditto | Ditto. |

Printed Vol. I, ante

The operation of these Regulations has since been varied in the whole of the Lushai Hills—see Table C in Appendix II to this Volume

Ben. Regs. IV, VIII and XIV of 1903 have been repealed in Sylhet for the Assam Land and Revenue Regulation, 1906 (I of 1906)

Ben. Reg. XX of 1825 has been repealed in Assam by the Code of Criminal Procedure, 1892 (Act X of 1892)

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1871 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|-----|--|--|--|---------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| 1827 | 31 | The Bengal Corruption and Extortion Regulation, 1827. | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Notfn. No. 1152, dated 3rd October, 1879, <i>ante</i> . |
| " | 51 | The Bengal Attached Estates Management Regulation, 1827. | Ditto | Ditto | .. | Ditto. |
| " | " | Ditto | Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern Duars), Kamrup, Lakhimpur, Nowgong and Sibsagar. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. | .. | See Notfn. No. 1242, dated 1st April, 1897, <i>ante</i> . |

| | | | | | | |
|------|-----------------|---|--|--|---|---|
| " | " | Ditto | Declared in force in the tract transferred from the Naga Hills District to the Sibsagar District and defined in Notification No 1436 P, dated the 11th April, 1901 | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | " | See Notfn. No. 1439, dated 11th April, 1901, ante. |
| 1825 | 3 ² | The Bengal Land revenue Assessment (Resumed Lands) Regulation, 1825 | Declared in force in the District of Sylhet. | Ditto | " | See Notfn. No. 1152, dated 3rd October, 1879, ante. |
| " | 4 ³ | The Bengal Land revenue Settlement Regulation, 1828 | Ditto | Ditto | " | Ditto. |
| 1829 | 1 ⁴ | The Bengal Revenue Commissioners Regulation, 1829 | Ditto | Ditto | " | Ditto. |
| " | 17 ¹ | The Bengal Sati Regulation, 1829 | Ditto | Ditto | " | Ditto. |
| " | " | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills) ² | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. | " | See Notfn. No. 1212, dated 1st April, 1897, ante. |

¹ Printed Vol. I, ante.² Ben. Regs. III and IV of 1825 and I of 1827 have been repealed in Sylhet by the Assam Land and Revenue Regulation, 1880 (I of 1880)³ The operation of this Regulation has since been barred in the whole of the Lushai Hills—see Table C in Appendix II to this Volume

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|----------------|--|--|--|---------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| 1830 | 5 ¹ | The Bengal Indigo Contracts Regulation, 1830. | Declared in force in the District of Sylhet. | (1).—Bengal Regulations—concl. So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Notfn. No. 1152, dated 3rd October, 1879, ante. |
| 1833 | 9 ² | The Bengal Land-revenue (Settlement and Deputy Collectors) Regulation, 1833. | Ditto | Ditto | .. | Ditto. |
| " | " | Ditto | Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern Duars), Kamrup, Lakhimpur, Nowgong and Sibsagar. | So much of ss. 16 and 20 to 23 as was on the 1st January, 1875, in force in those parts of Bengal not included in any Scheduled District, and had not been repealed by any enactment extending to Assam. | .. | See Notfn. No. 1110, dated 22nd August 1878, ante. |

(2)—Acts of the Governor General of India in Council.

| 1836 | 10 ¹ | The Bengal Indigo Con- tracts Act, 1836 | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See No. 1152, dated 3rd October, 1879, ante. |
|------|-----------------|--|---|--|----|---|
| " | 20 ² | Batearas | Ditto | Ditto | .. | Ditto. |
| " | 21 ² | The Bengal Districts Act, 1836 | Ditto | Ditto | .. | Ditto. |
| " | " | Ditto | Declared in force in the Districts of Cachar (ex- cluding the North Cachar Hills), Darrang, Oodl- para (excluding the Eastern Duars), Kam- rup, Lakhimpur, Aow- gang and Sibsegan. | Ditto | .. | See No. 1110, dated 22nd August, 1878, ante. |
| " | 26 ¹ | Camp Police | Declared in force in the District of Sylhet. | Ditto | .. | See No. 1152, dated 3rd October, 1879, ante. |
| 1837 | 4 ² | Property in Land Act, 1837. | Ditto | Ditto | .. | Ditto. |
| 1838 | 11 ² | Remuneration of Amins effecting Partitions. | Ditto | Ditto | .. | Ditto. |
| .. | 25 ² | The Wills Act, 1839 | Ditto | Ditto | .. | Ditto. |

¹ Ben. Reg. V of 1830 and Acts X and XXVI of 1870 have been repealed by the Repealing and Amending Act, 1891 (XII of 1891).

² Ben. Reg. IX of 1837 and Act XX and XXI of 1836 and XI of 1874 have been repealed in the several areas respectively mentioned opposite thereto in column 4 of this list by the Assam Land and Revenue Regulation, 1886 (I of 1886)

³ Printed in General Acts, Vol. I.

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|-----------------|------------------------------------|--|--|---------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| (2)— <i>Acts of the Governor General of India in Council—contd.</i> | | | | | | |
| 1838 | 25 ¹ | The Wills Act, 1838— <i>contd.</i> | Declared in force in the rest of Assam (except the North Lushai Hills). ² | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. | .. | See Notfn. No. 1242, dated 1st April, 1897, <i>ante</i> . |
| 1839 | 29 ¹ | The Dower Act, 1839 | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Notfn. No. 1152, dated 3rd October, 1879, <i>ante</i> . |
| " | " | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills). ² | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. | .. | See Notfn. No. 1242, dated 1st April, 1897, <i>ante</i> . |

| | | | | |
|----|---------------------------|---|---|---|
| 20 | The Inheritance Act, 1879 | Declared in force in the District of Sylhet | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | See Notfn. No. 1152, dated 3rd October, 1879, <i>ante</i> . |
| " | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills) 2 | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4. opposite | See Notfn. No. 1242, dated 1st April, 1897, <i>ante</i> . |
| 32 | The Interest Act, 1879 | Declared in force in the District of Sylhet | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | See Notfn. No. 1152, dated 3rd October, 1879, <i>ante</i> . |
| " | Ditto | Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern District), Kamrup, Lakhimpur, Nong and Sibsagar | The extent to which the Act was, on the 22nd August, 1878, in force in those parts of British India which were not included in any Scheduled District. | See Notfn. No. 1110, dated 22nd August, 1878, <i>ante</i> . |

1 Printed in General Acts, Vol. I.
 2 The operation of the Act has since been barred in the whole of the Lushai Hills—see Table C in Appendix II to this Volume.

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|-----------------|---|--|--|---------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| (2)— <i>Acts of the Governor General of India in Council—contd.</i> | | | | | | |
| 1839 | 32 ¹ | The Interest Act, 1839— <i>contd.</i> | Declared in force in the Eastern Duars in the Goalpara District, the Garo Hills, the Khási and Jaintia Hills, the Naga Hills, and the North Cachar Hills in the Cachar District. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. | .. | See Notfn. No. 1242, dated 1st April, 1897, ante. |
| 1840 | 6 ² | Bills of Exchange . | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Notfn. No. 1152, dated 3rd October, 1879, ante. |
| 1841 | 10 ¹ | The Indian Registration of Ships Act, 1841. | Ditto | Ditto | .. | Ditto |
| " | 11 ³ | Military Courts of Requests. | Ditto | Ditto | .. | Ditto. |
| " | 12 ⁴ | The Bengal Land-revenue Sales Act, 1841. | Ditto | Ditto | .. | Ditto. |

| | | | Ditto | Ditto | Ditto | |
|------|--|--|---|-------|-------|---|
| 191 | The Succession (Property Protection) Act, 1881 | Ditto | - | - | - | Ditto. |
| 1812 | Leave and Retire . . . | Ditto | - | - | - | Ditto |
| 1813 | Military Bazaars . . . | Ditto | - | - | - | Ditto |
| 1843 | The Indian Slavery Act, 1843 | Ditto | - | - | - | Ditto |
| " | Ditto | Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern District), Kamrup, Lakhimpur, Nowgong and Sibsagar | The extent to which the Act was, on the 22nd August, 1878, in force in those parts of British India which were not included in any Scheduled District. | - | - | See Notfn. No 1110, dated 22nd August, 1878, ante |
| " | Ditto | Declared in force in the Eastern District, the Goalpara District, the Garo Hills, the Khasi and Jaintia Hills, the Naga Hills and the North Cachar Hills in the Cachar District. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite | - | - | See Notfn. No 1242, dated 1st April, 1897, ante |
| 1817 | The Bengal Affirmation and Oath Act, 1817. | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | - | - | See Notfn. No 1152, dated 3rd October, 1879, ante |

¹ Printed in General Acts, Vol. I.

² Act VI of 1840 has been repealed by the Negotiable Instruments Act, 1881 (XXVI of 1881).

³ Acts XI of 1841 and LXII of 1842 have been repealed by Act VIII of 1897.

⁴ Act XII of 1841 and LX of 1847 have been repealed in Sylhet by the Assam Land and Revenue Regulation, 1886 (I of 1886)

⁵ Act LX of 1842 has been repealed by the Repealing and Amending Act, 1891 (XII of 1891)

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|-----------------|--|--|--|--------------------------------|--|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Resolutions and notifications. | Notification. |
| (2)—Acts of the Governor General of India in Council— <i>contd.</i> | | | | | | |
| 1847 | 20 ¹ | The Indian Copyright Act, 1817. | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Notfn. No. 1122, dated 22d Oct., 1879, ante. |
| " | " | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills). ² | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. | .. | See Notfn. No. 1242 J., dated 1st April, 1897, ante. |
| 1848 | 20 ² | The Bengal Land-holders' Attendance Act, 1818. | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Notfn. No. 1152, dated 3rd October, 1879, ante. |

| | | | | | | | |
|------|-----------------|---|--|---|---|---|--|
| 1850 | 6 ^a | The Indian Coasting Trade Act, 1850 | Ditto | . | Ditto | . | Ditto. |
| " | 11 ^a | The Indian Registration of Ships Act (1811) Amendment Act, 1850 | Ditto | . | Ditto | . | Ditto. |
| " | 12 ^a | The Public Institution's' Defences Act, 1850 | Ditto | . | Ditto | . | Ditto. |
| " | " | Ditto | Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Dibrung, Goalpara (excluding the Fardra Duars), Kamrup, Lakhimpur, Nongpog and Sibsagar | . | The extent to which the Act was, on the 22nd August, 1878, in force in those parts of British India which were not included in any Scheduled District | . | See Notfn No 1110, dated 22nd August, 1878, ante |
| " | 18 ^a | The Judicial Officers' Protection Act, 1850. | Ditto | . | Ditto | . | Ditto |
| " | " | Ditto | Declared in force in the District of Sylhet | . | So much as was in force on the 1st January, 1878, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | . | See Notfn No 1162, dated 3rd October, 1879, ante |

^a Act XXVI of 1867 has been repealed and re-enacted by the Indian Copyright Act, 1914 (III of 1914) which extends *proprio vigore* to the whole of British India.

^b The operation of this Act has since been barred in the whole of the Lushai Hills—see Table C in Appendix II to this Volume

^c Acts XX of 1814 and XII of 1850 have been repealed in the several areas respectively mentioned opposite thereto in column 6 of this list by the Assam Land and Revenue Regulation, 1886 (I of 1886)

^d Printed in General Acts, Vol. I

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|--|-----------------|--|---|--|---------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| (2)— <i>Acts of the Governor General of India in Council</i> — <i>contd.</i> | | | | | | |
| 1850 | 18 ¹ | The Judicial Officers' Protection Act, 1850— <i>contd.</i> | Declared in force in the Eastern Duars in the Goalpara District, the Garo Hills, the Khási and Jaintia Hills, the Naga Hills and the North Cachar Hills in the Cachar District. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. | .. | See Notfn. No. 1242, dated 1st April, 1879, <i>ante</i> . |
| " | 19 ¹ | The Apprentices Act, 1850. | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Notfn. No. 1152, dated 3rd October, 1879, <i>ante</i> . |
| " | " | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills). ² | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. | .. | See Notfn. No. 1242, dated 1st April, 1897, <i>ante</i> . |

| | | | | |
|-----|---|---|--|--|
| 211 | The Caste Disabilities Removal Act, 1850. | Declared in force in the District of Sylhet | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | See Notfn No 1155 ^a , dated 3rd October, 1879 |
| " | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills) ² | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite | See Notfn No 1242, dated 1st April, 1897, <i>ante</i> |
| 212 | The State Prisoners Act, 1850 | Declared in force in the District of Sylhet | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | See Notfn No 1152, dated 3rd October, 1879, <i>ante</i> |
| " | Ditto | Declared in force in the Districts of Cachar, Darrang, Garo Hills, Gokipira, Kamrup, Kokis and Jaintia Hills, Lakhimpur, Naga Hills, Nongong and Subdivar | The whole | See Notfn No 7, dated 3rd February, 1887, <i>ante</i> |
| " | Ditto | Declared in force in the Mokokchang Sub Division of the Naga Hills District | Ditto | See Notfn No 170, dated 18th January, 1891, <i>ante</i> , and Notfn No 71 P, dated 1st February, 1910, L. B. & Assam Gazette, 1910, Pt. II, p. 248 |

^a Printed in General Acts, V. L. I.

² The operation of the Act has since been limited in the whole of the Lushai Hills.—see Table C in Appendix II to this Volume

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE OR EXTENDED BY
NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|-----------------|--|--|--|---------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| (2)—Acts of the Governor General of India in Council— <i>contd.</i> | | | | | | |
| 1850 | 37 ¹ | The Public Servants (Inquiries) Act, 1850. | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Notfn. No. 1152, dated 3rd October, 1879, <i>ante</i> . |
| " | " | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills). ² | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. | .. | See Notfn. No. 1242, dated 1st April, 1897, <i>ante</i> . |
| " | 44 ³ | The Bengal Board of Revenue Act, 1850. | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Notfn. No. 1152, dated 3rd October, 1879, <i>ante</i> . |

| | | | | | | |
|------|-----------------|---|---|--|----|---|
| 1832 | 20 ¹ | The Indian Naturalization Act, 1852. | Ditto | Ditto | .. | Ditto. |
| " | " | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills). | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. | .. | See Notice No. 1242, dated 1st April, 1897, ante. |
| " | 31 ² | Enforcement of Judgments | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Notice No. 1152, dated 3rd October, 1879, ante. |
| 1833 | 2 ³ | The Landholders' Public Charges and Duties Act, 1833. | Ditto | Ditto | .. | Ditto |
| " | " | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills). | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. | .. | See Notice No. 1242, dated 1st April, 1897, ante. |

¹ Printed in General Acts, Vol. I.² The operation of these Acts has since been limited in the whole of the Lushai Hills—see Table C in Appendix II to this Volume.³ Act XLIV of 1850 has been repealed in Assam by Regulation I of 1850.⁴ Act XXXVIII of 1852 has been repealed by Act VIII of 1857.

| B.—CHIEF NOTIFICATIONS | | | 4 | 5 |
|------------------------|---|---|--|--|
| 1 | 2 | 3 | Places in or to which declared in force or extended. | Extent to which declared in force or extended. |
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| 10 | " | " | " | " | See Notfn. No 1212, dated 1st April, 1897, ante. |
| 11 | " | " | " | " | See Notfn. No 1152, dated 3rd October, 1879, ante |
| 12 | " | " | " | " | See Notfn. No 1212, dated 1st April, 1897, ante |
| 13 | " | " | " | " | See Notfn. No 1152, dated 3rd October, 1879, ante. |
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| 100 | " | " | " | " | |

Printed V. L. and
 The Legislative Assembly of the State of Madras
 Printed in General Acts, Vol. I.

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|--|-----------------|-----------------------------------|--|--|---------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| (2)— <i>Acts of the Governor General of India in Council</i> — <i>contd.</i> | | | | | | |
| 1853 | 19 ¹ | The Recusant Witnesses Act, 1853. | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Notfn. No. 1152, dated 3rd October, 1879, <i>ante</i> . |
| " | " | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills). ² | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. | .. | See Notfn. No. 1242, dated 1st April, 1897, <i>ante</i> . |
| 1854 | 31 ³ | The Conveyance of Land Act, 1854. | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Notfn. No. 1152, dated 3rd October, 1879, <i>ante</i> . |

| | | | | |
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| 10 | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills) 2 | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite | See Notfn. No 1212, dated 1st April, 1897, ante. |
| 11 | The Mesno Profita and Improvements Act 1853 | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | See Notfn. No 1152, dated 3rd October, 1879, ante |
| 12 | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills); 2 | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite | See Notfn. No 1212, dated 1st April, 1897, ante |
| 13 | The Local Representatives' Salts Act, 1855 | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | See Notfn. No 1152, dated 3rd October, 1879, ante. |

1 Printed Vol. I, ante.

2 The operation of these Acts has since been barred in the whole of the Inner Hills—see Table C in Appendix II to this Volume.

3 Printed in General Acts, Vol. I.

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|-----------------|---|--|--|---------------------------------|--|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| (2)— <i>Acts of the Governor General of India in Council—contd.</i> | | | | | | |
| 1855 | 12 ¹ | The Legal Representatives' Suits Act, 1855— <i>contd.</i> | Declared in force in the rest of Assam (except the North Lushai Hills). ² | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. | .. | See Notfn. No. 1242, dated 1st April, 1897, <i>ante.</i> |
| " | 13 ¹ | The Indian Fatal Accidents Act, 1855. | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Notfn. No. 1152, dated 3rd October, 1879, <i>ante.</i> |
| " | " | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills). ² | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. | .. | See Notfn. No. 1242, dated 1st April, 1897, <i>ante.</i> |

| | | | | |
|----|---|--|---|---|
| 20 | The Mortgage Estates Administration Act, 1855 | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | See Notln No 1152, dated 1st April, 1897, ante |
| " | " | " | " | " |
| " | " | " | " | " |
| " | " | " | " | " |
| " | " | " | " | " |
| " | " | " | " | " |
| 21 | The Penal Code Act, 1855 | Declared in force in the District of Sylhet | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | See Notln No 1152, dated 3rd October, 1879, ante. |
| " | " | " | " | " |
| " | " | " | " | " |
| " | " | " | " | " |
| " | " | " | " | " |
| " | " | " | " | " |
| 22 | The Usury Laws Repeal Act, 1855 | Declared in force in the District of Sylhet | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 1, opposite | See Notln No 1152, dated 3rd October, 1879, ante. |

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV of 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|-----------------|---|--|--|-------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Provisions and modifications. | Notification. |
| 1855 | 23 ¹ | The Usury Laws Repeal Act, 1855— <i>contd</i> | Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern Duits), Kamrup, Lakhimpur, Nowgong and Sibsagar. | The extent to which the Act was, on the 22nd August, 1878, in force in those parts of British India which were not included in any Scheduled District. | .. | See Notfn. No. 1110, dated 22nd August, 1878, <i>ante</i> . |
| " | " | Ditto | Declared in force in the tract transferred from the Naga Hills District to the Sibsagar District and defined in Notification No. 1436-P., dated the 11th April, 1901. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Notfn. No. 1439-J., dated 11th April, 1901, <i>ante</i> . |
| 1856 | 9 ¹ | The Indian Bills of Lading Act, 1856. | Declared in force in the District of Sylhet. | Ditto | .. | See Notfn. No. 1152, dated 3rd October, 1879, <i>ante</i> . |

(2)—Acts of the Governor General of India in Council—*contd.*

| | | | | | |
|----|---|--|--|----|---|
| 1 | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills) : | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. | .. | See Notfn. No 1242, dated 1st April, 1897, ante. |
| 11 | The European De-certification Act, 1824 | Declared in force in the District of Sylhet | So much as was in force on the 1st January 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | , | See Notfn. No 1152, dated 3rd October, 1879, ante. |
| 12 | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills) : | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite | . | See Notfn. No 1242, dated 1st April, 1897, ante. |
| 13 | The Civil Courts Amending Act, 1856. | Declared in force in the District of Sylhet | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | . | See Notfn. No. 1152, dated 3rd October, 1879, ante. |
| 14 | The Hindu Widows' Marriage Act, 1856. | Ditto | Ditto | .. | Ditto. |

1 Printed in General Acts, Vol. I

2 The operation of these Acts have since been altered in the whole of the Province—see Table C in Appendix II to this Volume.

3 Act VIII of 1856 has been repealed in Sylhet by the Bengal Civil Courts Amending Act 1899 (Ban Act II of 1899).

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

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Appendix I.—Scheduled Districts.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|-----------------|---|---|--|---------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification |
| (2)—Acts of the Governor General of India in Council— <i>contd.</i> | | | | | | |
| 1856 | 15 ¹ | The Hindu Widows' Remarriage Act, 1856— <i>contd.</i> | Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern Duars), Kamrup, Lakhimpur, Nowgong and Sibsagar. | The extent to which the Act was, on the 22nd August, 1878, in force in those parts of British India which were not included in any Scheduled District. | .. | See Notfn. No. 1110, dated 22nd August, 1878, <i>ante</i> . |
| " | " | Ditto | Declared in force in the Eastern Duars in the Goalpara District, the Garo Hills, the Khási and Jaintia Hills, the Naga Hills and the North Cachar Hills in the Cachar District. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. | .. | See Notfn. No. 1242, dated 1st April, 1897, <i>ante</i> . |
| " | 21 ² | Abkari | Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern Duars), Kamrup, Lakhimpur, Nowgong and Sibsagar. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Notfn. No. 1110, dated 22nd August, 1878, <i>ante</i> . |

See Notfn No. 1152, dated 3rd October, 1879, ante.

| | | | |
|-------|-------|---|---|
| Ditto | Ditto | See Notfn No. 1242, dated 1st April, 1897, ante | See Notfn No. 1152, dated 3rd October, 1879, ante |
| Ditto | Ditto | | Ditto. |
| | | | See Notfn No. 1242, dated 1st April, 1897, ante |

| | | | | |
|----|--|---|-------|--|
| 11 | Declared in force in the District of Sylhet ² | Ditto | Ditto | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. |
| 11 | The State Offences Act, 1857 | Declared in force in the District of Sylhet | Ditto | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. |
| 12 | The Opium Act, 1857 | Declared in force in the District of Sylhet | Ditto | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. |
| 23 | The Forfeiture Act, 1857 | Declared in force in the District of Sylhet | Ditto | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. |
| 23 | Ditto | Declared in force in the District of Sylhet | Ditto | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. |

Printed in General Acts, Vol. 1.
 Act XXI of 1856 has been repealed by the Bengal Exorc and Licensing Act, 1874 (Ben Act 11 of 1874), which has been extended to Assam—see 106.
² The reference to Act XXI of 1856 in Schedule II to Notification No. 1506, Pt. I, p. 484, and Assam Gazette, 1896, Pt. II, p. 503.
³ The operation of these Acts has since been barred in the whole of the Lushai Hills—see Table C in Appendix II to this Volume.
⁴ Act XIII of 1857 has been repealed in Assam by the Bengal and Amending Act, 1897 (A of 1897)

NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

Appendix 1.—SCHEDULED DISTRICTS.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|-----|--------------------------------|--|--|---------------------------------|--|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| 1858 | 31 | The State Prisoners Act, 1858. | Declared in force in the District of Sylhet. | (2)— <i>Acts of the Governor General of India in Council</i> — <i>contd.</i> | | |
| " | " | Ditto | Declared in force in the Districts of Cachar, Darrang Gáo Hills, Goalpara, Kámrúp, Khási and Jaintia Hills, Lakhimpur, Nága Hills, Nowgong and Sibságar. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | | See Notfn. No. 1152, dated 3rd October, 1879, <i>ante</i> . |
| " | " | Ditto | Declared in force in the Sub-Division of the Nága Hills District. | The whole. | | See Notfn. No. 7, dated 3rd February, 1887, <i>ante</i> . |
| " | " | Ditto | Declared in force in the Mokokehang Sub-Division of the Nága Hills District. | Ditto | | See Notfn. No. 170, dated 16th January, 1891, <i>ante</i> , and Notfn. No. 74-P., dated February, 1910, E. B. Assam Gazette, 1910, p. 248. |

| | | | | |
|----|---|---|---|--|
| 31 | The Bengal Mutual Land Settlement Act, 1858 | Declared in force in the District of Sylhet | So much as was in force on the 14 Jan'y 1858 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | See Vol'n No 1152 dated 3rd October, 1872, ante |
| 32 | The Lunary (District Courts) Act 1858 | Ditto | Ditto | Ditto |
| " | Ditto | Declared in force in the Districts of Cachar (excluding the North Cachar Hills) Darang Goalpara (excluding the Eastern District) Kamrup Lakhimpur, Jorh and Subdivisions | The extent to which he let was on the 22nd August 1875 in force in those parts of British India which were not included in any Scheduled District | See Vol'n No 1110, dated 22nd August, 1878 ante |
| " | Ditto | Declared in force in the land transferred from the Naga Hills District to the Nagpur District and the Nagpur District and the Nagpur District, dated the 11th April, 1901 | So much as was in force on the 1st January 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | See Vol'n No 1129, dated 11th April 1901, ante |
| 35 | The Indian Juncos Act, 1858 | Declared in force in the Districts of Cachar (excluding the North Cachar Hills) Darang Goalpara (excluding the Eastern District) Kamrup, Lakhimpur, Jorh and Subdivisions | The extent to which the let was on the 22nd August 1875 in force in those parts of British India which were not included in any Scheduled District | See Vol'n No 1110, dated 22nd August, 1878, ante |

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|-----------------|--|---|--|---------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| (2)—Acts of the Governor General of India in Council— <i>contd.</i> | | | | | | |
| 1858 | 36 ¹ | <i>The Indian Lunatic Asylums Act, 1858—contd.</i> | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | | See Notfn. No. 1152, dated 3rd October, 1879, ante. |
| " | " | Ditto | Declared in force in the Eastern Duars in the Goalpára District, the Garo Hills, the Khási and Jaintia Hills, the Nága Hills and the North Cachar Hills in the Cachar District. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. | | See Notfn. No. 1242, dated 1st April, 1897, ante. |
| " | 40 ² | Minors | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | | See Notfn. No. 1152, dated 3rd October, 1879, ante. |

| | | | | | | |
|------|-----------------|---|--|--|----|---|
| " | " | Ditto | Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern District, Kamrup, Lakhimpur, Nongong and Sibsagar. | Ditto | .. | See Notfn. No. 1110, dated 22nd August, 1878, ante. |
| 1559 | 1 st | The Indian Merchant Shipping Act, 1874. | Declared in force in the District of Sylhet. | Ditto | .. | See Notfn. No. 1132, dated 3rd October, 1879, ante. |
| " | 3 rd | Consentment Joint Magistrate. | Ditto | Ditto | .. | Ditto. |
| " | 9 th | The Forfeiture Act, 1833. | Ditto | So much of ss 10, 17, 18 and 20 as was in force on the 1st January, 1873, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | .. | Ditto. |
| " | " | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills) | So much as was in force on the 1st January, 1873, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite. | .. | See Notfn. No. 1242, dated 1st April, 1897, ante. |

¹ Acts XXVI and XXXI of 1835 have been repealed and re-enacted by Act IV of 1912 which applies *proportio rigore* to the whole of British

See In 1912.

² Act XI of 1854 has been repealed by the Guano and Wards Act, 1899 (VIII of 1899)

³ Printed in General Acts, Vol. I

⁴ Act III of 1879 has been repealed by Act VIII of 1887.

⁵ The operation of this Act has never been barred in the whole of the Lushai Hills—see Table C in Appendix II to this Volume.

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|-----------------|---|--|---|---------------------------------|--|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| (2)—Acts of the Governor General of India in Council— <i>contd.</i> | | | | | | |
| 1859 | 11 ¹ | <i>The Bengal Land-revenue Sales Act, 1859.</i> | <i>Declared in force in the District of Sylhet.</i> | <i>So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam.</i> | .. | <i>See Notfn. No. 1152, dated 3rd October, 1879, ante.</i> |
| " | 15 ² | <i>Patents</i> | <i>Ditto</i> | <i>Ditto</i> | .. | <i>Ditto.</i> |
| 1860 | 21 ³ | <i>The Societies Registration Act, 1860</i> | <i>Ditto</i> | <i>Ditto</i> | .. | <i>Ditto.</i> |
| " | " | <i>Ditto</i> | <i>Declared in force in the rest of Assam (except the North Lushai Hills).⁴</i> | <i>So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite.</i> | | <i>See Notfn. No. 1242, dated 1st April, 1879, ante.</i> |

See *Nos. 1152*, dated 3rd October, 1879, ante

Ditto.

See *Nos. 1110*, dated 22nd August, 1878, ante.

The 1st April, 1898

No. 922 P—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council the Chief Commissioner is pleased to extend the undermentioned enactments to the Lushai Hills, namely—
(Here follows a list of the enactments, which contains, among others, Act XIV of 1890)

Act XIV of 1891 has been repealed in Sylhet by the Assam Land Revenue Regulation 1890 (I of 1890)

Act XV of 1891 has been repealed by the Interventions and Designs Act 1889 (V of 1889)

Proposed in General Act 1891

The provisions of this Act have since been barred in the whole of the Lushai Hills—see Table C in Appendix II to this Volume

Act XVI of 1891 has been repealed in Assam by the Pressing and Lumbering Act 1891 (XII of 1891)

Act XVII of 1891 has been repealed by the Succession Certificate Act, 1890 (VII of 1890)

Declared in force in the District of Sylhet

So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam.

Ditto

Ditto

The extent to which the Act was, on the 22nd August, 1878, in force in those parts of British India which were not included in any Scheduled District

The whole

The Indian Penal Code

Extended to the Lushai Hills.

Declared in force in Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Patnem District), Jorhat, Lakhimpur, Nagaong and Subansiri

Collection of Districts on Succession

Ditto

153

278

253

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|-----|--------------------------------------|--|--|---------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| 1860 | 451 | The Indian Penal Code— <i>contd.</i> | Extended to the Lushai Hills. | The whole | .. | [See Assam Gazette, 1898, Pt. I, p. 379; the Assam Local Statutory Rules and Orders, Suppl., 1901, pp. 8, 9, 11.] |
| | " | Ditto | Extended to the tract in the Lushai Hills District which was transferred from the Cachar District by Notification No. 1092 P., dated the 16th March, 1904. | Ditto | .. | |
| " | " | " | " | " | " | <p><i>The 16th March, 1904.</i></p> <p>No. 1096P.—In exercise of the powers conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Chief Commissioner is pleased to extend the undermentioned enactments to the tract in the Lushai Hills District defined in Notification No. 1093P., dated the 16th March, 1904, namely:—</p> <p>(Here follows a list of the enactments, which contains, among others, Act XLV of 1860.)</p> |

(2)—*Acts of the Governor General of India in Council—contd.*

Appendix I.—Scheduled Districts

| No. | Description | Date | Authority |
|------|--|---------|---|
| 1014 | Extended to the Central and Eastern sections of the North East Frontier Tracts. | Ditto | No 5461 P., dated the 13th October, 1914 [See Assam Gazette, 1914, Pt II, p 2007] |
| " | Extended to the Lakhm pur Frontier Tract. | Ditto | No 565 P., dated 13th October, 1914, see ibid., p 2008 |
| " | Extended to the Western section of the North West Frontier Tract | Ditto | No 5499 P., dated 13th October, 1914, see ibid., p 2008 |
| " | Extended to the Central and Eastern sections of the North East Frontier Tract | Ditto | No 5461 P., dated 13th October, 1914, see ibid., p 2007 |
| 1501 | The Police Act . | | No 5465 P., dated 13th October, 1914, see ibid., p 2008 |
| " | Extended to the Lakhm pur Frontier Tract. | Ditto | No 5469 P., dated 13th October, 1914, see ibid., p 2008 |
| " | Extended to the Western sections of the North East Frontier Tract. | Ditto | [See Assam Gazette, 1904, Pt II, p 170] |
| " | Declared in force in the Districts of Cachhar (excluding the North Cachhar Hills) Darrang, Goalpara (excluding the Eastern Dangs), Namerpu, Lakhimpur, Jorajong and Subetpur | Memoirs | See Vol. No. 1110, dated 22nd August, 1878, ante |

Printed in General Acts, Vol. I
Act 18 of 1861 has been repealed by the Guardians and Wards Act, 1900 (VIII of 1900)

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|-----|---------------------------------|--|---|---------------------------------|---|
| Yr. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended | Restrictions and modifications. | Notification. |
| (2)—Acts of the Governor General of India in Council— <i>contd.</i> | | | | | | |
| 1861 | 9 | <i>Minors—contd.</i> | <i>Declared in force in the District of Sylhet.</i> | | | |
| 1862 | 31 | The Government Seal Act, 1862. | | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | | See Notfn. No. 1152, dated 3rd October, 1879, ante. |
| " | " | Ditto | Ditto | , Ditto | | Ditto. |
| 1863 | 163 | The Excise (Spirits) Act, 1863. | Declared in force in the rest of Assam (except the North Lushai Hills). ² | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite. | | See Notfn. No. 1242, dated 1st April, 1897, ante. |
| | | | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | | See Notfn. No. 1152, dated 3rd October, 1879, ante. |

| | | | | | |
|-----|-------------------------------------|---|--|----|---|
| 201 | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills) : | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite | .. | See Notfn. No. 1242, dated 1st April, 1897, ante. |
| 201 | The Religious Endowments Act, 1863. | Declared in force in Assam (except the North Lushai Hills) : | Ditto | .. | Ditto |
| 201 | The Wastelands (Claims) Act, 1863. | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | .. | See Notfn. No. 1152 dated 3rd October, 1879, ante. |
| 201 | Ditto | Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern District, Krimur, Lakhimpur, Nowgong and Sibsagar | The extent to which the Act was, on the 22nd August, 1878, in force in those parts of British India which were not included in any Scheduled District | .. | See Notfn. No. 1110, dated 22nd August, 1878, ante. |
| 201 | Ditto | Declared in force in the tract, transferred from the Naga Hills District to the Shillong District and defined in Notification No. 1430 P, dated the 11th April, 1901. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | .. | See Notfn. No. 1429, dated 11th April, 1901, ante. |

1 Printed in General Acts, Vol. I

2 The operation of this Act has since been varied in the whole of the Lushai Hills—see Table C in Appendix II to this Volume.

3 Act XVI of 1873 has been repealed by Eastern Bengal and Assam Act I of 1910 as to the local extent of which in Assam, see third footnote to that Act, ante.

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|-----------------|---------------------------------|--|--|---------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| (2)—Acts of the Governor General of India in Council— <i>contd.</i> | | | | | | |
| 1863 | 31 ¹ | The Official Gazette Act, 1863. | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Notfn. No. 1152, dated 3rd October, 1879, <i>ante</i> . |
| " | " | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills). ² | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, <i>opposite</i> . | .. | See Notfn. No. 1242, dated 1st April, 1897, <i>ante</i> . |
| 1864 | 32 | The Foreigners Act, 1864. | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Notfn. No. 1152, dated 3rd October, 1879, <i>ante</i> . |

| | | | | |
|----------------|-------------------------|--|---|---|
| 3 ^a | Date | Declared in force in the rest of Assam (except the North Lushai Hills): ¹ | So much as was in force on the 1st January, 1873, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite | See Notfn. No. 1242, dated 1st April, 1897, ante. |
| 3 ^b | The Whipping Act, 1864. | Declared in force in the District of Sylhet | So much as was in force on the 1st January, 1873, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | See Notfn. No. 1152, dated 3rd October, 1879, ante. |
| 3 ^c | Ditto | Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpura (excluding the Eastern Duars), Kamrup, Lakhimpur, Norgong and Sib-sgur. | The extent to which the Act was, on the 22nd August, 1873, in force in those parts of British India which were not included in any Scheduled District. | See Notfn. No. 1110, dated 22nd August, 1878, ante. |
| 3 ^d | Ditto | Declared in force in the Eastern Duars in the Goalpura District and the North Cachar Hills in the Cachar District. | So much as was in force on the 1st January 1873, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite | See Notfn. No. 1242, dated 1st April, 1897, ante. |

¹ Printed in General Acts, Vol. I.² The operation of this Act has since been barred in the whole of the Lushai Hills—see Table C in Appendix II to this Volume.³ Act I of 1864 has been repealed by Act IV of 1909.

- (3) to extend Act IX (B. C.) of 1879 (the Court of Wards Act, 1879), to the Districts of Kamrup, Norgong, Darrang, Sibsagar and Lakhimpur;—
- (4) to extend Act III (B. C.) of 1881 (an Act to amend the Court of Wards Act, 1879), to the Districts of Cachar and Goalpara; and
- (5) to extend Act IV of 1892 (an Act to amend the Bengal Court of Wards Act, 1879), to the Districts of Sylhet, Cachar and Goalpara
- [See Gazette of India, 1897, Pt. I, p. 391, Assam Gazette, 1897, Pt. II, p. 287; the Assam Local Statutory Rules and Orders, Suppl. 1901, pp. 8, 10.]
- See No. 10, No. 922, dated 1st April, 1898, ante.
- See No. 10, No. 1006, dated 16th March, 1901, ante.

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|-----------------|-------------------------------------|--|---|---------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| (2)— <i>Acts of the Governor General of India in Council—contd.</i> | | | | | | |
| 1865 | 3 ¹ | The Carriers Act, 1865 . | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Notfn. No. 1152, dated 3rd October, 1879, <i>ante</i> . |
| " | " | <i>Ditto</i> . | Declared in force in the rest of Assam (except the North Lushai Hills). ² | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite. | .. | See Notfn. No. 1242, dated 1st April, 1897, <i>ante</i> . |
| " | 11 ³ | <i>Mufassal Small Cause Courts.</i> | Declared in force in the District of Sylhet. | So much as was in force on 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Notfn. No. 1152, dated 3rd October, 1879, <i>ante</i> . |

| | | | | | |
|------|--|--|---|----|---|
| 151 | The First Marriage and Divorce Act, 1865. | Ditto | Ditto | .. | Ditto. |
| " | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills) 2 | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite | .. | See Notfn No. 1242, dated 1st April, 1897, ante. |
| 211 | The First Intestate Succession Act, 1865. | Declared in force in the District of Sylhet | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | .. | See Notfn. No. 1152, dated 3rd October, 1879, ante. |
| " | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills) 2 | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite. | .. | See Notfn No. 1242, dated 1st April, 1897, ante. |
| 1865 | The Policies of Insurance (Marine and Fire) Act, 1865. | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite. | .. | See Notfn No. 1152, dated 3rd October, 1879, ante. |

1 Printed in General Acts, Vol. I.

2 The operation of this Act has since been barred in the whole of the Lushai Hills—see Table C in Appendix II to this Volume.

3 Act XI of 1865 has been repealed by the Provincial Small Courts Act, 1887 (IX of 1887)

4 Act 3 of 1868 has been repealed by the Transfer of Property Act, 1900 (II of 1900), s. 5

10

| No. | Year. | Short title or subject. | Place in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions, and modifica- tions. | Notification. |
|---|-------|---|---|--|--|---|
| (2)—Acts of the Governor General of India in Council—contd. | | | | | | |
| 51 | 1866 | The Policies of Insurance (Marine and Fire) As- signment Act, 1866— contd. | Declared in force in the rest of Assam (except the North Lushai Hills) | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4 opposite. | .. | See Notifn. No. 1212, dated 1st April, 1897, ante. |
| 102 | " | The Indian Companies Act, 1866. | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Notifn. No. 1152, dated and October, 1879, ante. |
| 213 | " | The Native Converts' Marriage Dis-solution Act, 1866. | Ditto | .. | .. | Ditto. |
| " | " | Ditto | Declared in force in the rest of Assam (except the North Lushai Hills). ⁴ | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to any | .. | See Notifn. No. 1242, dated 1st April, 1897, ante. |

| | | | | |
|------|---|---|---|---|
| 255 | The Trustees' and Mortgagees' Powers Act, 1860. | Declared in force in the District of Sylhet. | to the territory mentioned in column 4, opposite 1st January 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | See Notfn No 1152, dated 3rd October, 1879, ante. |
| " | Ditto | Declared in force in the rest of Assam (except the North Lohal Hills) 1 | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite | See Notfn No 1242, dated 1st April, 1897, ante. |
| 1867 | The Public Gambling Act, 1867 | Extended to Assam 2 | The whole | |

The 26th November, 1880.
No 1214—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to extend Act III of 1867 (an Act to provide for the punishment of public gambling and the keeping of common gaming houses in the North Western Provinces, Punjab, Oudh, Central Provinces and British Burma) to the Chief Commissioner of Assam

1 Act V of 1860 has been repealed by the Transfer of Property Act 1900 (II of 1900) s 5
2 Act X of 1860 has been repealed by the Indian Companies Act, 1882 (X of 1882)
3 Printed in General Acts, Vol. I

4 The operation of these Acts has since been limited in the whole of the United Provinces—see Table C in Appendix II to this Volume
5 The title to Act III of 1867 has since been altered—see Vol. I, ante

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV of 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|--|-----|--|---|---|------------------------------|---|
| Year. | No. | Short title or subject. | Place in or to which declared in force or extended. | Extent to which declared in force or extended. | Petitions and modifications. | Notification. |
| (2)—Acts of the Governor General of India. | | | | | | |
| 1867 | 31 | The Public Gambling Act, 1867— <i>contd.</i> | | | | Gazette of India, 1860, L. P. 686; Assam Gazette, 1860, Pt. II, p. 614; the Assam Local Statutory Rules and Orders, 1863, p. 53.] |
| " | 26* | The Press and Printing Regulation Act, 1867. | | in force on the 1st July 1875, in those districts included in the Schedule. | | See Notfn. No. 1152, dated 3rd October, 1879, <i>ante</i> . |

| | | | | | |
|------|-----------------|------------------------------------|---|---|---|
| " | " | Ditto | Declared in force in the Eastern Duars in the Goalpara District, the Garo Hills the Khasi and Jaintia Hills, the Naga Hills and the North Cachar Hills in the Cachar District | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite | See Notification No 1242, dated 1st April, 1897, ante |
| 1899 | 15 ^a | The Prisoners' Testimony Act, 1869 | Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Garo Hills), Kamrup, Lakhimpur, Nowgong and Sibsagar | The extent to which the Act was, on the 22nd August, 1878, in force in those parts of British India which were not included in any Scheduled District | See Notification No 1110, dated 22nd August, 1878, ante |
| " | " | Ditto | Declared in force in the District of Sibsagar | So much as was in force on the 1st January, 1875 in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | See Notification No 1152, dated 3rd October, 1879, ante |
| " | " | Ditto | Declared in force in the Eastern Duars in the Goalpara District the Garo Hills the Khasi and Jaintia Hills the Naga Hills and the North Cachar Hills in the Cachar District | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to the territory mentioned in column 4, opposite | See Notification No 1242, dated 1st April, 1897, ante |

¹ Printed Vol. I ante
² Printed in General Acts, Vol. I
³ Act XV of 1869 has been repealed by the Prisoners Act, 1900 (III of 1900)

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|-----|----------------------------------|---|---|---|--------------|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification |
| (2)—Acts of the Governor General of India in Council—contd. | | | | | | |
| 1870 | 71 | The Indian Quarantine Act, 1870. | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | | |
| | 72 | The Court-fees Act, 1870 | Extended to the Dibrugarh Frontier tract in the Lakhimpur District, and the Gáro Hills and Khási tracts, the Nowgong, Mikir Hills Tract, the Nága Hills District and the North Cachar Hills in the Cachar District. | The whole . . . | "Provided that the said Act shall not apply to any persons, being natives of any of the said local areas" [i.e., those mentioned in col. 4], "who are assessed to house tax instead of land revenue, except in | |
| | | | | | No. 992-J.—In exercise of the power conferred by sections 5 and 5A of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Chief Commissioner of Assam is pleased to extend the Indian Stamp Act, 1879 (I of 1879), and the Court-fees Act, 1870 (VII of 1870), to the Districts of the Gáro Hills, the Khási and Jaintia Hills and the Nága Hills, the North Cachar Sub-Division of the Cachar Districts. | |
| | | | | | The 13th September, 1897. | |
| | | | | | See Notfn. No. 1152, dated 3rd October, 1879, ante. | |

District, the Mikir Hills Tract in the Nowgong District, and the Dibrugarh Frontier Tract in the Lakhimpur District
 Provided that the said Acts shall not apply to any persons, being natives of any of the said local areas, who are assessed to house tax instead of land revenue except in such localities or classes of cases as the Deputy Commissioner, with the sanction of the Chief Commissioner of the Chief Commission⁴ may from time to time draw from the operation of this provision⁴ so”

[See Gazette of India, 1897, Pt I, p 872, Assam Gazette, 1897, Pt II, p 861, the Assam Local Statutory Rules and Orders, Suppl., 1901, p 9]

such localities or classes of cases as the Deputy Commissioner with the sanction of the Chief Commissioner of the Chief Commission⁴ may from time to time draw from the operation of this provision⁴ so”

Act I of 1870 was repealed by the Indian Ports Act, 1901 (III of 1901)

Printed in General Acts, Vol II

Act I of 1879 has been repealed by the Indian Stamp Act, 1899 (I of 1899) which has been extended to all the areas mentioned in this Notification—*see post*

The Local Government has authorized the withdrawal of the following classes of cases and localities from the operation of this proviso, namely—

- (1) in the Khāsi and Jaintia Hills District—
 - (a) Transactions between natives of the Khāsi and Jaintia Hills District and persons who are not natives of that District,
 - (b) all civil and criminal cases instituted before British Courts,
 - (c) miscellaneous petitions filed before Civil Courts,
 - (d) all documents executed at Cherra station, Sohbar and Nongrih in connection with the working of lime, coal and other mineral products,

(2) in the Nāga Hills District—

- (i) Moura Dimaapur
- (ii) all money suits in which Angami Nāgas only are concerned—

See the Assam Stamp Manual, 1903, p 182

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|----------------|---|--|---|---|---|
| Ycar. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification |
| (2)—Acts of the Governor General of India in Council— <i>contd.</i> | | | | | | |
| 1870 | 7 ¹ | <i>The Indian Quarantine Act, 1870.</i> | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | .. | See Notfn. No. 1152, dated 3rd October, 1879, ante. |
| " | 7 ² | <i>The Court-fees Act, 1870</i> | Extended to the Dibrugarh Frontier tract in the Lakhimpur District, the Gáro Hills and Khási and Jaintia Hills Districts, the Nowgong, Mikir Hills Tract, the Naga Hills District and the North Cachar Hills in the Cachar District. | The whole | " Provided that the said Act shall not apply to any persons, being natives of any of the said local areas " [i.e., those mentioned in col. 4], " who are assessed to house tax instead of land revenue, except in | <i>The 13th September, 1897.</i> No. 992-J.—In exercise of the power conferred by sections 5 and 5A of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Chief Commissioner of Assam is pleased to extend <i>the Indian Stamp Act, 1879 (I of 1879),</i> and the Court-fees Act, 1870 (VII of 1870), to the Districts of the Gáro Hills, the Khási and Jaintia Hills and the Naga Hills, the North Cachar Sub-Division of the Cachar |

District, the Mikir Hills Tract in the Nowgong District, and the Dibrugarh Frontier Tract in the Lakhimpur District provided that the said Acts shall not apply to any persons, being natives of any of the said local areas, who are assessed to house tax instead of land revenue except in such localities or classes of cases as the Deputy Commissioner, with the sanction of the Chief Commissioner of the Chief Commissioner, may from time to time withdraw from the operation of this proviso.

[See Gazette of India, 1897, Pt I, p 872, Assam Gazette, 1897, Pt II, p 861; the Assam Local Statutory Rules and Orders, Suppl., 1901, p 9]

such localities or classes of cases as the Deputy Commissioner with the sanction of the Chief Commissioner, in a year from time to time with draw from the operation of this proviso

Act of 1870 was repealed by the Indian Ports Act, 1901 (III of 1901)

Notified in General Acts, Vol. II

Act of 1870 has been repealed by the Indian Stamp Act, 1899 (II of 1899) which has been extended to all the areas mentioned in this

namely—

- (1) in the Mikir Hills District, and persons who are not natives of that District,
- (2) in the Naga Hills District, and persons who are not natives of that District,
- (3) in the Muzza Dimapur District, and persons who are not natives of that District,
- (4) in the Cherra station, Sohhar and Nongjinh in connection with the working of lime, coal and other mineral

(a) The Mikir Hills District, and persons who are not natives of that District,
(b) all civil towns in the Mikir Hills District,
(c) miscellaneous localities in the Mikir Hills District,
(d) all documents in the Mikir Hills District,
(e) all documents in the Mikir Hills District,
(f) all documents in the Mikir Hills District,
(g) all documents in the Mikir Hills District,
(h) all documents in the Mikir Hills District,
(i) all documents in the Mikir Hills District,
(j) all documents in the Mikir Hills District,
(k) all documents in the Mikir Hills District,
(l) all documents in the Mikir Hills District,
(m) all documents in the Mikir Hills District,
(n) all documents in the Mikir Hills District,
(o) all documents in the Mikir Hills District,
(p) all documents in the Mikir Hills District,
(q) all documents in the Mikir Hills District,
(r) all documents in the Mikir Hills District,
(s) all documents in the Mikir Hills District,
(t) all documents in the Mikir Hills District,
(u) all documents in the Mikir Hills District,
(v) all documents in the Mikir Hills District,
(w) all documents in the Mikir Hills District,
(x) all documents in the Mikir Hills District,
(y) all documents in the Mikir Hills District,
(z) all documents in the Mikir Hills District,

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| NOTIFICATION UNDER THE SCHEDULE | | | | | | |
|---|-----|-------------------------------------|--|--|--|--|
| 1 | 2 | 3 | 4 | 5 | | 6 |
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | | Restrictions and modifications. |
| (2)—Acts of the Governor General of India in Council—contd. | | | | | | |
| 1870 | 71 | The Court-fees Act, 1870 —contd. | | | | |
| | " | Ditto | Extended to the Lushai Hills District. | The whole | | "Provided that the said Act shall not apply to any natives of the district except in such localities or classes of cases as the Superintendent, with the sanction of the Chief |
| | " | | | | | |

The Act with a similar proviso has been extended to the tract added by Notfn. No. 68-P., dated 1st February 1910, to the Naga Hills district by Notification No. 72-P., dated 1st February 1910, E. B. and Assam Gazette, 1910, Pt. II, p. 248.

The 12th November, 1904.

No. 4949-J.—In exercise of the powers conferred by sections 5 and 5A of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Chief Commissioner of Assam is pleased to extend the Court-fees Act, 1870 (VI of 1870), and the Indian Stamp Act, 1899 (II of 1899), to the District of the Lushai Hills: Provided that the said

| | | | | | | |
|------|----------------|-----------------------------------|---|--|---|--|
| 1871 | G ³ | The Bengal Civil Courts Act, 1871 | Declared in force in the District of Sylhet | So much as was in force on the 1st January 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | Commission- er, ² may from time to time with- draw from the operation of this provi- so | shall not apply to any natives of the District except in such localities or classes of cases as the Superintendent, with the sanction of the Chief Commissioner, ³ may from time to time withdraw from the operation of this proviso [See Gazette of India, 1904, Pt I, p 913, Assam Gazette, 1904, Pt II, p 787] See Volfn No 1152, dated 3rd October, 1879, ante |
| " | " | Ditto | Declared in force in the Districts of Cachar (ex- cluding the North Cachar Hills), Darrang, Goalpara (excluding the Fasilpur, Dabrei, Hāmrap, Lakh impur, Nongong and Sibadgar | Ditto | | See Volfn No 1110, dated 22nd August, 1878, ante |

¹ Printed in General Acts, Vol II

² The Local Government has authorized the withdrawal of the following classes of cases and localities from the operation of this proviso, namely—

(1) in the Khasi and Jaintia Hills District—

(a) Transactions between natives of the Khasi and Jaintia Hills district and persons who are not natives of that District,

(b) all civil and criminal cases instituted before British Courts,

(c) miscellaneous petitions filed before Civil Courts,

(d) all documents executed at Cherra station, Sobhar and Nongpoh in connection with the working of lime, coal and other mineral products

(2) in the Naga Hills District—

(i) Mouza Dimapur,

(ii) all money suits, in which Angami Nagas only are concerned—

See the Assam Stamp Manual, 1903, p 182

³ Act VI of 1871 has been repealed by the Bengal, Agra and Assam Civil Courts Act, 1887 (XII of 1887)

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

[illegible]

Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Chief Commissioner is pleased to declare that the said Act is in force in the territories formerly known as the North and South Lushai Hills and the tract known as Rutton Puiya's villages, including Demagri, and now known as the Lushai Hills

[See Assam Gazette, 1898 Pt. I, p. 379 the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 8.]

The 16th March 1901

No 1995 P.—In exercise of the powers conferred by section 3, clause (a), of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Chief Commissioner is pleased to declare that the said Act is in force in the tract in the Lushai Hills District defined in Notification No 1097 P. dated the 16th March, 1901

[See Assam Gazette, 1901 Pt. II, p. 176.]

The whole

Declared in force in the tract in the Lushai Hills District which was transferred from the Cachar District by Notification No 1092, dated the 16th March, 1901

Ditto

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 5 | 6 | 7 |
|-----------|------|---|--|---------------------------------|---------------|
| Year. No. | Shor | | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |

of the C

See Notfn. Nos. 5460-P., 5461-P., and 5468-P., dated 13th October 1914, from Assam Gazette, 1914, Pt. I.

itto . . .

9.

o. exercise of the powers conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Government is pleased, in sanction of the general in . . . Act IV of

Appendix I.—Scheduled Districts.

1876 (an Act to authorize Revenue Agents to practise in certain Mansiffs' Courts) to the District of Sylhet.

[See Gazette of India, 1879, Pt. I, p. 617 : Published as No. 24, dated 14th August, 1879, in Assam Gazette, 1879, Pt. I, p. 504.]

The 3rd November, 1877.

No. 1653.—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to extend Act I of 1877 (the Specific Relief Act) to the Districts of Kámrup, to the Districts of Kámrup, Nowgong, Darrang, Sib-ságar, Lakhimpur, Goalpara (excluding the Eastern Duars), Sylhet and Cachar (excluding the North Cachar Hills).

[See Gazette of India, 1877, Pt. I, p. 66 : Assam Gazette, 1877, Pt. I, p. 383 : the Assam Local Statutory Rules, and Orders, 1893, p. 54.]

Ditto

Extended to the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern Duars), Kámrup, Lakhimpur, Nowgong, Sib-ságar and Sylhet.

1. The Specific Relief Act, 1877.

1877

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|--|----------------|--|---|--|---------------------------------|--|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| (2)— <i>Acts of the Governor General of India in Council</i> — <i>contd.</i> | | | | | | |
| 1877 | 1 ¹ | The Specific Relief Act, 1877— <i>contd.</i> | Extended to the tract transferred from the Naga Hills District to the Sibsaigar District and defined in Notification No. 1436-P., dated the 11th April, 1901. | The whole | .. | <p><i>The 11th April, 1901.</i></p> <p>No. 1440-J.—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Chief Commissioner of Assam is pleased, in modification of Notification No. 3151-J., dated the 4th August, 1898,² to extend to the tract in the Sibsaigar District defined in Notification No. 1436-P., dated the 11th April 1901,³ the Acts mentioned in the Schedule hereto annexed, to the extent set forth in the third column thereof.</p> <p>(Here follows the Schedule, which contains, among other enactments, Act I of 1877.)</p> <p>[See Assam Gazette, 1901, Pt. II. p. 284.]</p> |

The 12th November, 1878
No 2068.—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council to extend Act III of 1877 (the Indian Registration Act) to that part of the Khasi and Jaintia Hills District which is comprised within the limits of the Civil Station and Cantonment of Shillong (See Gazette of India, 1878, Pt I, p 662; Assam Gazette, 1878, Pt II, p. 570 the Assam Local Statutory Rules and Orders, 1893 p 54)

The 20th November, 1900
No 12306 J.—In exercise of the power conferred by section 5 of the Scheduled Districts Act 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council the Lieutenant Governor of Eastern Bengal and Assam is pleased to extend, with effect from the 1st January, 1901 the Indian Registration Act 1877 (III

Ditto

Extended to the Civil Station and Cantonment of Shillong in the Khasi and Jaintia Hills District

The Indian Registration Act, 1877

34

Ditto

Extended to the Jowai Sub Division of the Khasi and Jaintia Hills District, with the exception of the Mion Nong phyiat and Narpah Districts

Ditto

¹ Printed in General Acts, Vol. II

² This notification is noted in Table C in Appendix II to this Volume

³ Published in Assam Gazette, 1901, Pt. II, p. 283

⁴ Act III of 1877 has been repealed and re-enacted by Act XVI of 1908

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION, UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|-----------------|---|--|---|---------------------------------|--|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| | | (2)—Acts of the Governor General of India in Council— <i>contd.</i> | | | | |
| 1877 | 3 ¹ | <i>The Indian Registration Act, 1877—contd.</i> | | | | of 1877), to the Jowai Sub-Division of the Khási and Jaintia Hills District, Bhoi. the exception of the Nongphylt and Narpuk Circles. |
| | " | Ditto | Extended to the tract transferred from the Naga Hills District to the Sibsagar District and defined in Notification No. 143-6P., dated the 11th April, 1901. | The whole | | [See E. B. and A. Gazette, 1906, Pt. II, p. 1163. Published as No. 2366, dated 12th October, 1906, in Gazette of India, 1906, Pt. I, p. 732.] See Notfn. No. 1440, dated 11th April, 1901, ante |
| | " | | | | | |
| | 10 ² | <i>The Code of Civil Procedure.</i> | Extended to the Districts of Cachar (excluding the North Cachar Hills), Darrang, the Eastern, Duárá), Kamrup, Lakshimpur, Nongong, Sibsagar and Sylhet. | The whole Act, except ss. 1 and 3, which were already in force. | | <i>The 3rd November 1877. No. 1652.—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to extend</i> |

Act X of 1877 (the Code of Civil Procedure) to the Districts of Kamrup, Norgong, Darrang, Sibagar, Lakhimpur, Goalpara (excluding the Eastern Dúars), Sylhet and Cachar (excluding the North Cachar Hills), except sections 1 and 3, which are already in force in the said districts

[See Gazette of India, 1877, Pt. I, p. 662; Assam Gazette, 1877, Pt. I, p. 353.]

See No. 992, dated 13th September, 1897, ante.

"Provided that the said Act shall not apply to any persons, being natives of any of the said local areas" (i.e., those mentioned in column 1), who are assessed to land-revenue, except in such localities or classes of cases as the

The whole . . .

Extended to the Dibroo-garh Frontier Tract in the Lakhimpur District, the Garo Hills and Khási and Jaintia Hills Districts, the Norgong Mithar Hills Tract, the Naga Hills District and the North Cachar Hills in the Cachar District.

1st The Indian Stamp Act, 1872.

1870

¹ Act III of 1877 has been repealed and re-enacted by Act XVI of 1893

² Act X of 1877 was repealed by s. 3 of Act XIV of 1892 (the Code of Civil Procedure).

³ Act I of 1870 has been repealed by the Indian Stamp Act, 1892 (II of 1899), which has been extended to all the areas mentioned opposite the former Act in column 4 of this List—see post.

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|-----|--|--|--|---|---|
| Year. | No. | Short title or subject | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| (2)— <i>Acts of the Governor General of India in Council—contd.</i> | | | | | | |
| 1879 | 1 | <i>The Indian Stamp Act, 1879—contd.</i> | | | | |
| " | 6 | Elephants Preservation Act, 1879. | Tract added to Naga Hills district by Notification No. 68-P., dated 1st February 1910. | The whole | <p><i>Deputy Commissioner with the sanction of the Chief Commissioner, may from time to time, withdraw from the operation of this proviso."</i></p> | <p>No. 73-P., dated the 1st February, 1910.—In exercise of the power conferred by section 1 of the Elephants Preservation Act, VI of 1879, the Lieutenant-Governor of Eastern Bengal and Assam, with the previous sanction of the Governor General in Council, extends the said Act</p> |

Appendix I.—Scheduled Districts

to the tract added to the Naga Hills district by Notification No 68 P, dated the 1st February 1910

[See Eastern Bengal and Assam Gazette, 1910, Pt. II, p 248]

The 31st December, 1880

No 1402.—In exercise of the power conferred by section 5 of Act XIV of 1879 (the Scheduled Districts Act, 1879), the Chief Commissioner of Assam is pleased, with the previous sanction of the President in Council, to extend Act XII of 1879 (an Act to amend the Code of Civil Procedure, and the Limitation Act, 1877, and the Limitation Act, 1877), except so much as amends the Indian Registration Act, 1877, and the Indian Limitation Act, 1877, which is already in force, to the Districts of Kamrup, Nongong, Darrang, Sibsagar, Lakhimpur, Goalpara (excluding the Eastern Duars), Sylhet and Cachar (excluding the North Cachar Hills)

[See Gazette of India, 1881, Pt. I, p 2, and Assam Gazette, 1881, Pt. II, p 24]

The whole Act, except so much as amends the Indian Registration and Limitation Acts, 1877, which was already in force

Extended to the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern Duars), Kamrup, Lakhimpur, Nongong, Sibsagar and Sylhet

The Code of Civil Procedure Amendment

121

So much of Act VII of 1879 as amended the Code of Civil Procedure was repealed by s 3 of Act XIV of 1882 (the Code of Civil Procedure) which extends to Assam

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|-----------------|------------------------------|---|--|---------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| 1882 | 1 st | The Code of Civil Procedure. | Extended to the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpára (excluding the Eastern Duárs), Lakhimpur, Nowgong, Sibságar and Sylhet. | The whole, except sections 1 and 3, which were already in force. | | <p>The 1st June, 1882.</p> <p>No. 763.—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act, 1874), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council to extend Act XIV of 1874 (the Code of Civil Procedure) to the Districts of Kamrup, Nowgong, Darrang, Sibságar, (excluding Goalpára Duárs), Sylhet Eastern Duárs, the North Cachar (excluding the Hills), except Cachar 1 and 3, which are already in force in said Districts.</p> |

(2)—Acts of the Governor General of India in Council—*contd.*

The 1st June, 1882.
No. 763.—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act, 1874), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to extend Act XIV of 1882 (the Code of Civil Procedure) to the Districts of Kámrúp, Nowgong, Darrang, Sibságar, Lakhimpur, Goalpára (excluding the Eastern Duárs), Sylhet and Cachar (excluding the North Cachar Hills), except sections 1 and 3, which are already in force in the said Districts.

[See Gazette of India, 1882, Pt. I, p. 218. Published as No. 45 in Assam Gazette.]

1882 Pt I, p 232 See also the Assam Local Statutory Rules and Orders, 1893, p 54]

See Nosfn No 1440, dated 11th April, 1901, ante

The 28th November, 1888
In exercise of the power conferred by section 5 of the Scheduled Districts Act (XIV of 1874), the Chief Commissioner of Assam with the previous sanction of the Governor General in Council, extends sections 223 to 228 of the Code of Civil Procedure Act XIV of 1882, to the Districts of the Naga Hills, and Jaintia and Naga Hills, and to the Eastern Duars in Goalpara, the North Cachar Hills in Cachar, the Mikir Hills Tract in Nongong, and the Dibrugarh Frontier Tract in Lakhimpur
[See Gazette of India, 1888 Pt I, p 546 Published as No 132-J, dated 22nd November, 1888, in Assam Gazette, 1888, Pt II, p 474. See also the Assam Local Statutory Rules and Orders, 1893, p 54]

So much as was not already in force

Ss 223 to 228

Extended to the tract transferred from the Naga Hills District to the Shillong District and defined in Notification No 1436 P, dated the 11th April 1901

Extended to the Dibrugarh Frontier Tract in the Lakhimpur District, the Eastern Duars in the Goalpara District, the Garo Hills, the Jaintia Hills, the Naga Hills Districts, the North Cachar Hills in the Cachar District, and the Nongong Mikir Hills Tract

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|-----|---|--|--|---------------------------------|--|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| | | (2)— <i>Acts of the Governor General of India in Council—contd.</i> | | | | |
| 1882 | 14 | The Code of Civil Procedure— <i>contd.</i> | Extended to the Mokochang Sub-Division of the Naga Hills District. | Ss. 223 to 228 . . . | | <p><i>The 16th January, 1891.</i></p> <p>No. 160-J.—In exercise of the power conferred by section 5 of the Scheduled Districts Act (XIV of 1874), the Chief Commissioner, with the previous sanction of the Governor General in Council, extends sections 223 to 228 of the Code of Civil Procedure, Act XIV of 1882, to the Mokochang Sub-Division of the Naga Hills District.</p> <p>[See Gazette of India, 1891, Pt. I, p. 252; Assam Gazette, 1891, Pt. II, p. 30; the Assam Local Statutory Rules and Orders, 1893, p. 54.]</p> |

The 27th October, 1888.

In exercise of the power conferred by section 5 of the Scheduled Districts Act (XIV of 1871), the Chief Commissioner of Assam, with the previous sanction of the Governor General in Council, extends to the undermentioned Districts the Civil Procedure Code Amendment Act (VII of 1888) except section 63, and except so much of the Act as amends the Indian Registration Act, 1877, and the Indian Limitation Act, 1877, which is already in force

Districts of Kamrup, Nongong (excluding the Mikir Hills Tract), Darrang, Sibsagar, Lakhimpur (excluding the Dibrugarh Frontier Tract), Goalpara (excluding the Eastern Duhars), Sylhet and Cachar (excluding the North Cachar Hills)

[See Gazette of India, 1886, Pt. I, p. 478. Published as No. 121, dated 11th October, 1888, in Assam Gazette, 1888, Pt. II, p. 405. See also the Assam Local Statutory Rules and Orders, 1893, p. 51.]

The whole Act, except section 63, and except so much of the Act as amends the Indian Registration and Limitation Acts, 1877, which was already in force.

Extended to the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern Duhars), Kamrup, Lakhimpur (excluding the Dibrugarh Frontier Tract), Nongong (excluding the Mikir Hills Tract), Sibsagar and Sylhet

The Civil Procedure Code Amendment Act, 1888.

71

1889

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|-----|------------------------------------|--|--|---------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| 1888 | 101 | Code of Civil Procedure Amendment. | Extended to the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpára (excluding the Eastern Duárs), Kámrúp, Lakhimpur (excluding the Dibrugarh Frontier Tract), Nowgong (excluding the Mikir Hills Tract), Sibságar and Sylhet. | Ss. 1 and 3 | | <p><i>The 8th May, 1889.</i></p> <p>No. 44-I.—In exercise of the power conferred by section 5 of the Scheduled Districts Act (XIV of 1874), the Chief Commissioner of Assam, with the previous sanction of the Governor General in Council, extends to the undermentioned districts sections 1 and 3 of Act X of 1888 (an Act to amend the Code of Civil Procedure and the Presidency Small Cause Courts Act, 1882):—</p> <p>Districts of Kámrúp, Nowgong (excluding the Mikir Hills Tract), Darrang, Sibságar, Lakhimpur (excluding the Dibrugarh Frontier Tract), Goalpára (excluding the Eastern Duárs), Sylhet and Cachar (excluding the North Cachar Hills).</p> |

| | | | | | |
|------|----------------|---|--|-------------------------------|--|
| 1892 | 4 ² | The Court of Wards Act (Bengal) Amendment Act, 1892 | Extended to the Districts of Cachar, Goalpara and Sylhet | The whole | [See <i>Gazette of India</i> , 1889, Pt I, p 292, <i>Assam Gazette</i> , 1889, Pt II, p 170, the <i>Assam Local Statutory Rules and Orders</i> , 1893, p 55] |
| 1895 | 3 ³ | The Indian Criminal Law Amendment Act, 1895 | Extended to the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern Duars) Kamrup, Lakhimpur, Norgong, Shivasagar and Sylhet. | Sections 5 and 6 ⁴ | See Notification No 1243, dated 1st April, 1897, ante. |
| " | " | Ditto | Transferred to the tract comprising from the Jyga Hills District to the Shivasagar District and defined in Notification No. 1436 P, dated the 11th April, 1901 | Sections 5 ⁵ | See Notification No 1410, dated 11th April, 1901, ante |
| 1898 | 5 ⁶ | The Code of Criminal Procedure, 1898 | Ditto | The whole | Ditto |

² Repealed by Act V of 1908.³ Printed Vol I ante⁴ Printed in General Acts, Vol IV⁵ Sections 5 and 6 were repealed by Act IV of 1909 and Act V of 1900, respectively.⁶ Printed in General Acts, Vol V

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|-----|---|--|--|---------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| 1893 | 51 | The Code of Criminal Procedure, 1898— <i>contd.</i> | Extended to the North Cachar Sub-division of the Cachar District, the Gáro Hills, the Khási and Jaintia Hills, the Dibrugarh Frontier Tract in the Lakhimpur District, the Naga Hills, the Mikir Hill Tract in the Nowgong and Sibsagar Districts and the Lushai Hills District. | S. 144 | See Notification. | No. 783-P., dated 9th October, 1911.—In exercise of the powers conferred by sections 5 and 5A of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor of Eastern Bengal and Assam is pleased to extend section 144 of the Code of Criminal Procedure, being Act V of, 1898, to the areas specified in the schedule hereto annexed in the restricted and modified form set out below :— In cases where in the opinion of the Deputy Commissioner or the Superintendent, immediate prevention or speedy remedy is desirable, the Deputy Commissioner or Superintendent may, by a written order stating the material facts of the case and |

served upon the person against whom it is made or if such order cannot be so served notified by proclamation in such manner as the Deputy Commissioner or Superintendent may think fit, direct any person to abstain from a certain act or to take certain property in his possession or under his management, if such Deputy Commissioner or Superintendent considers that such direction is likely to prevent obstruction, annoyance or injury, or risk of obstruction, annoyance or injury to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquility, or a riot or an affray

(2) An order under this section may in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed be passed *ex parte*

(3) An order under this section may be directed to a particular individual, or to the public generally when frequenting or visiting a particular place

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| B.—CHRONOLOGICAL TABLE OF THE SCHEDULED DISTRICTS. | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|
| SCHEDULED DISTRICTS. | | | | | | | | | |
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| Frontier Tract in the Lakhimpur district, the Naga Hills, the Mikir Hills Tract in the Nongong district and the Lushai Hills district. (See Eastern Bengal and Assam Gazette, 1911, Pt II, p 1831) | | | | | |
| | Ditto | Extended to the Central and Eastern sections, North East Frontier Tract, the Western section North Frontier Tract and the Lakhimpur Frontier Tract | § 144 in a restricted and modified form | See Notification | No 5471 P, dated 13th October, 1911 (See Assam Gazette, 1911, Pt II, p 2069) |
| 1899 | 2: The Indian Stamp Act, 1897 | Extended to the Dibrugarh Frontier Tract, the Garo Hills and Khasi and Jaintia Hills Districts, the Mikir Hills Tract, the Naga Hills District and the North Cachar Hills in the Cachar District | The whole | Ditto | <i>The 10th February, 1903</i> No. 503 J.—In exercise of the powers conferred by sections 5 and 5A of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Chief Commissioner of Assam is pleased to extend the Indian Stamp Act, 1899 (II of 1899), to the Districts of the Garo Hills, the Khasi and Jaintia Hills and the Naga Hills, the North Cachar Sub Division of the Cachar District, the Mikir Hills Tract and the Dibrugarh Frontier Tract. |

| B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)— <i>contd.</i> | | | | | | | |
|---|----------------|---|---|--|---------------------------------|--|---|
| 1 | 2 | 3 | 4 | | 5 | 6 | 7 |
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. | |
| 1899 | 2 ¹ | The Indian Stamp Act, 1899— <i>contd.</i> | Extended to the Dibrugarh Frontier Tract, the Garo Hills and Khási and Jaintia Hills Districts, the Mikir Hills Tract, the Naga Hills District and the North Cachar Hills in the Cachar District. | The whole | See Notification. | Provided that the said Act shall not apply to any persons, being natives of any of the said areas, who are assessed to house-tax instead of land-revenue, except in such localities or classes of cases as the Deputy Commissioner, with the sanction of the Chief Commissioner, may, from time to time, draw from the operation of this proviso. [See Gazette of India, Pt. I, p. 175; Assam Gazette, 1903, Pt. II, p. 98.] The Act, with a similar proviso has been extended to the tract added by Notification No. 68-P., dated 1st February, 1910, to the Naga Hills District by Notification No. 72-P., dated 1st February, 1910, Eastern Bengal and Assam Gazette, 1910, p. 248. | |

Appendix I.—Scheduled Districts.

See Notia No 4949, dated
12th November, 1904, ante

"Provided that the said Act shall not apply to any natives of the district except in such localities or classes of cases as the Superintendent, with the sanction of the Chief Commissioner, may, from time to time, withdraw from the operation of this proviso."

from the operation of this proviso,

persons who are not natives of that District,

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The Local Government has authorized the withdrawal of the following classes of cases and localities from the operation of this proviso,

(1) in the Khasi and Jaintia Hills District—

(a) transactions between the natives of the Khasi and Jaintia Hills District and persons who are not natives of that District,

(b) all civil and criminal cases instituted before British Courts,

(c) miscellaneous petitions filed before British Courts,

(d) all documents executed at Cherra station, Solbrig and Nongstun in connection with the working of lime coal and other mineral products,

(e) all transactions taking place at the Ichamati Railway station and its neighbourhood in connection with the Dawat Tharin Railway,

and the working of the lime, coal and other mineral products,

(2) all classes of transactions in the District, except the following tracts, namely, the Bhoi Doloship, Iiringam, Narpul, Nonglong,

Nongphylut, Nongrangsa and Supung.

(3) in the Naga Hills District—

(a) Muzas Dimapur;

(b) all money suits in which Angami Nagas only are concerned—

(c) all money suits in which Angami Nagas only are concerned—

(d) all money suits in which Angami Nagas only are concerned—

(e) all money suits in which Angami Nagas only are concerned—

See the Assam Stamp Manual, 1903, p 187, and Correction Slip Nos 2 and 3

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|-----|-------------------------|--|--|---------------------------------|---------------|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
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(2)—Acts of the Governor General of India in Council—*concl.*

The 1st January, 1909.
No. 1-J.—In exercise of the powers conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), the Lieutenant-Governor of Eastern Bengal and Assam is pleased, with the previous sanction of the Governor General in Council, to extend Act V of 1908, the Code of Civil Procedure, 1908, except sections 1 and 155 to the districts already in force to the districts of [see column 4].

[See Gazette of India, 1909, Pt. I, p. 5.]

No. 5103-J., dated 21st September, 1914.—In exercise of the power conferred by

Sec Notification.

The whole . . .

Extended to the Districts of Cachar (excluding the North Cachar Hills), Sylhet, Goalpara (excluding the Eastern Duars), Kamrup, Darrang, Nowgong (excluding the Mikir Hill tracts), Sibsagar (excluding the Mikir Hill tracts), and Lakhimpur (excluding the Dibrugarh Frontier Tract).

Ditto

Ditto

Extended to the Eastern Duars of the Goalpara District.

Ditto . . .

"

"

section 5 of Act XIV of 1874 (the Scheduled Districts Act, 1874), the Chief Commissioner is pleased, with the previous sanction of the Governor General in Council, to extend Act V of 1903 (the Code of Civil Procedure) except section 1 and sections 155 to 158 which are already in force to the Eastern Dooars of the Coalpur District

[See Assam Gazette, 1914, Pt II, p 1891]

See Gazette of India, 1914, Pt I, p 1690

No 5481 P, dated 17th October, 1914, see Assam Gazette, 1914, Pt II, p 2007

No 5465 P, dated 13th October, 1914, see *ibid*, p 2005

No 5409 P dated 17th October, 1914, see *ibid*, p 2009

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| 1903 | 4 | The Whipping Act | Extended to the Central and Eastern sections of the North East Frontier Tract | Ditto | Ditto | |
| " | " | Ditto | Extended to the Lakhimpur Frontier Tract | Ditto | Ditto | |
| " | " | Ditto | Extended to the Western Sections of the North East Frontier Tract. | Ditto | Ditto | |

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—contd.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|-----|---|---|--|---------------------------------|--|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification |
| 1873 | 51 | Bengal Eastern Frontier Regulation, 1873. | Extended to the Eastern Duárs in the Goalpara District. | See Notification . | | <p><i>The 30th April, 1880.</i></p> <p>No. 442.—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to extend sections 1 to 7 (both inclusive) and section 11 of Regulation V of 1873 (a Regulation for the peace and government of certain Districts on the Eastern Frontier of Bengal) to that part of the District of Goalpara known as the Eastern Duárs.</p> <p>[See Gazette of India, 1880, Pt. I, p. 255; Assam Gazette, 1880, Pt. II, p. 209, the Assam Local Statutory Rules and Orders, 1893, p. 57.]</p> |

The 30th December 1890.

No 5183 J.—In exercise of the power conferred by section 5 of the Scheduled Districts Act (XIV of 1874), the Chief Commissioner of Assam, with the previous sanction of the Governor General in Council, extends the undermentioned enactments to the Mohachang Sub Division of the Naga Hills District —

Regulation V of 1873 (the Bengal Eastern Frontier Regulation, 1873), except sections 8, 9 and 10.

Regulation II of 1875 (the Assam Prisons Regulation, 1875).^a

Regulation III of 1875 (the Assam Hill Districts Shipping Regulation, 1875).^a

Regulation II of 1887 (the Assam Police Officers Regulation, 1883).

Regulation IV of 1890 (the Assam Military Police Regulation, 1890).^a

Regulation of India, 1891, Pt. I, p. 252, Assam Gazette, 1891, Pt. II, p. 11: the Assam Local Statutory Rules and Orders, 1893, p. 57.

Ditto

Extended to the Mokochang Sub Division of the Naga Hills District

Ditto

Printed Vol. I, and

Reg II of 1875 has been repealed by the Prisons Act, 1894 (IV of 1894)

³ Reg 111 of 1875 has been repealed by the Repealing and Amending Act, 1897 (V of 1897).

* Reg. IV of 1890 has been repealed by the Eastern Bengal and Assam Military Police Act, 1912 Eastern Bengal and Assam Act III of 1912), which extends to the whole of Assam—see ante.

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|-----|---|--|--|---------------------------------|--|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| 1873 | 5 | Bengal Eastern Frontier Regulation, 1873— <i>contd.</i> | Extended to the tract added to Naga Hills District and made part of the Mokohehang Sub-division by Notification No. 68-P., dated 1st February, 1910. | See Notification | | <p><i>The 1st February, 1910.</i></p> <p>No. 70-P.—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), the Lieutenant-Governor of Eastern Bengal and Assam, with the previous sanction of the Governor General in Council, extends the under-mentioned enactments to the tract added to the Naga Hills District by Notification No. 68-P., dated the 1st February, 1910:—</p> <p>Regulation V of 1873 (the Bengal Eastern Frontier Regulation, 1873), except sections 8, 9, 10.</p> <p>Regulation II of 1883 (the Assam Police Officers Regulation).</p> <p>³ Regulation IV of 1890 (the Assam Military Police Regulation, 1890).</p> |

(3)—Regulations made under the Government of India Act, 1870 (33 and 34 Vict., cap. 3)—*contd.*

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B.—CHRONOLOGICAL NOTIFICATION OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY THE SCHEDULED DISTRICTS, (XIV OF 1874)—*contd.*

| Sl. No. | Places in which notified. | Restrictions and modifications. | Notification. |
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Act of India Act, 1870 (33 and 34 Vict., cap. 3)—*contd.*

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| 1 | of Mokok-division of The v | | Gazette of India, 1891, I, p. 252; Assam Gazette, 1891, Pt. II, p. 30; Assam Local Statutory Orders, 1893, p. 58.] |
|---|----------------------------|--|--|

The Regulation with the same modifications has been extended to the tract added by Notfn. No. 68-P., dated 1st February, 1910, Eastern Bengal and Assam Gazette, 1910, Pt. II, p. 247—*see* Notfn. No. 69-P., dated 1st February, 1910, in *ibid*, 1910, Pt. II, p. 247.

See Notfn. No. 5189, dated 30th December, 1890, and Notfn. No. 70-P., dated 1st February 1910, *ante*.

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874) —*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 | 101 | 102 | 103 | 104 | 105 | 106 | 107 | 108 | 109 | 110 | 111 | 112 | 113 | 114 | 115 | 116 | 117 | 118 | 119 | 120 | 121 | 122 | 123 | 124 | 125 | 126 | 127 | 128 | 129 | 130 | 131 | 132 | 133 | 134 | 135 | 136 | 137 | 138 | 139 | 140 | 141 | 142 | 143 | 144 | 145 | 146 | 147 | 148 | 149 | 150 | 151 | 152 | 153 | 154 | 155 | 156 | 157 | 158 | 159 | 160 | 161 | 162 | 163 | 164 | 165 | 166 | 167 | 168 | 169 | 170 | 171 | 172 | 173 | 174 | 175 | 176 | 177 | 178 | 179 | 180 | 181 | 182 | 183 | 184 | 185 | 186 | 187 | 188 | 189 | 190 | 191 | 192 | 193 | 194 | 195 | 196 | 197 | 198 | 199 | 200 | 201 | 202 | 203 | 204 | 205 | 206 | 207 | 208 | 209 | 210 | 211 | 212 | 213 | 214 | 215 | 216 | 217 | 218 | 219 | 220 | 221 | 222 | 223 | 224 | 225 | 226 | 227 | 228 | 229 | 230 | 231 | 232 | 233 | 234 | 235 | 236 | 237 | 238 | 239 | 240 | 241 | 242 | 243 | 244 | 245 | 246 | 247 | 248 | 249 | 250 | 251 | 252 | 253 | 254 | 255 | 256 | 257 | 258 | 259 | 260 | 261 | 262 | 263 | 264 | 265 | 266 | 267 | 268 | 269 | 270 | 271 | 272 | 273 | 274 | 275 | 276 | 277 | 278 | 279 | 280 | 281 | 282 | 283 | 284 | 285 | 286 | 287 | 288 | 289 | 290 | 291 | 292 | 293 | 294 | 295 | 296 | 297 | 298 | 299 | 300 | 301 | 302 | 303 | 304 | 305 | 306 | 307 | 308 | 309 | 310 | 311 | 312 | 313 | 314 | 315 | 316 | 317 | 318 | 319 | 320 | 321 | 322 | 323 | 324 | 325 | 326 | 327 | 328 | 329 | 330 | 331 | 332 | 333 | 334 | 335 | 336 | 337 | 338 | 339 | 340 | 341 | 342 | 343 | 344 | 345 | 346 | 347 | 348 | 349 | 350 | 351 | 352 | 353 | 354 | 355 | 356 | 357 | 358 | 359 | 360 | 361 | 362 | 363 | 364 | 365 | 366 | 367 | 368 | 369 | 370 | 371 | 372 | 373 | 374 | 375 | 376 | 377 | 378 | 379 | 380 | 381 | 382 | 383 | 384 | 385 | 386 | 387 | 388 | 389 | 390 | 391 | 392 | 393 | 394 | 395 | 396 | 397 | 398 | 399 | 400 | 401 | 402 | 403 | 404 | 405 | 406 | 407 | 408 | 409 | 410 | 411 | 412 | 413 | 414 | 415 | 416 | 417 | 418 | 419 | 420 | 421 | 422 | 423 | 424 | 425 | 426 | 427 | 428 | 429 | 430 | 431 | 432 | 433 | 434 | 435 | 436 | 437 | 438 | 439 | 440 | 441 | 442 | 443 | 444 | 445 | 446 | 447 | 448 | 449 | 450 | 451 | 452 | 453 | 454 | 455 | 456 | 457 | 458 | 459 | 460 | 461 | 462 | 463 | 464 | 465 | 466 | 467 | 468 | 469 | 470 | 471 | 472 | 473 | 474 | 475 | 476 | 477 | 478 | 479 | 480 | 481 | 482 | 483 | 484 | 485 | 486 | 487 | 488 | 489 | 490 | 491 | 492 | 493 | 494 | 495 | 496 | 497 | 498 | 499 | 500 | 501 | 502 | 503 | 504 | 505 | 506 | 507 | 508 | 509 | 510 | 511 | 512 | 513 | 514 | 515 | 516 | 517 | 518 | 519 | 520 | 521 | 522 | 523 | 524 | 525 | 526 | 527 | 528 | 529 | 530 | 531 | 532 | 533 | 534 | 535 | 536 | 537 | 538 | 539 | 540 | 541 | 542 | 543 | 544 | 545 | 546 | 547 | 548 | 549 | 550 | 551 | 552 | 553 | 554 | 555 | 556 | 557 | 558 | 559 | 560 | 561 | 562 | 563 | 564 | 565 | 566 | 567 | 568 | 569 | 570 | 571 | 572 | 573 | 574 | 575 | 576 | 577 | 578 | 579 | 580 | 581 | 582 | 583 | 584 | 585 | 586 | 587 | 588 | 589 | 590 | 591 | 592 | 593 | 594 | 595 | 596 | 597 | 598 | 599 | 600 | 601 | 602 | 603 | 604 | 605 | 606 | 607 | 608 | 609 | 610 | 611 | 612 | 613 | 614 | 615 | 616 | 617 | 618 | 619 | 620 | 621 | 622 | 623 | 624 | 625 | 626 | 627 | 628 | 629 | 630 | 631 | 632 | 633 | 634 | 635 | 636 | 637 | 638 | 639 | 640 | 641 | 642 | 643 | 644 | 645 | 646 | 647 | 648 | 649 | 650 | 651 | 652 | 653 | 654 | 655 | 656 | 657 | 658 | 659 | 660 | 661 | 662 | 663 | 664 | 665 | 666 | 667 | 668 | 669 | 670 | 671 | 672 | 673 | 674 | 675 | 676 | 677 | 678 | 679 | 680 | 681 | 682 | 683 | 684 | 685 | 686 | 687 | 688 | 689 | 690 | 691 | 692 | 693 | 694 | 695 | 696 | 697 | 698 | 699 | 700 | 701 | 702 | 703 | 704 | 705 | 706 | 707 | 708 | 709 | 710 | 711 | 712 | 713 | 714 | 715 | 716 | 717 | 718 | 719 | 720 | 721 | 722 | 723 | 724 | 725 | 726 | 727 | 728 | 729 | 730 | 731 | 732 | 733 | 734 | 735 | 736 | 737 | 738 | 739 | 740 | 741 | 742 | 743 | 744 | 745 | 746 | 747 | 748 | 749 | 750 | 751 | 752 | 753 | 754 | 755 | 756 | 757 | 758 | 759 | 760 | 761 | 762 | 763 | 764 | 765 | 766 | 767 | 768 | 769 | 770 | 771 | 772 | 773 | 774 | 775 | 776 | 777 | 778 | 779 | 780 | 781 | 782 | 783 | 784 | 785 | 786 | 787 | 788 | 789 | 790 | 791 | 792 | 793 | 794 | 795 | 796 | 797 | 798 | 799 | 800 | 801 | 802 | 803 | 804 | 805 | 806 | 807 | 808 | 809 | 810 | 811 | 812 | 813 | 814 | 815 | 816 | 817 | 818 | 819 | 820 | 821 | 822 | 823 | 824 | 825 | 826 | 827 | 828 | 829 | 830 | 831 | 832 | 833 | 834 | 835 | 836 | 837 | 838 | 839 | 840 | 841 | 842 | 843 | 844 | 845 | 846 | 847 | 848 | 849 | 850 | 851 | 852 | 853 | 854 | 855 | 856 | 857 | 858 | 859 | 860 | 861 | 862 | 863 | 864 | 865 | 866 | 867 | 868 | 869 | 870 | 871 | 872 | 873 | 874 | 875 | 876 | 877 | 878 | 879 | 880 | 881 | 882 | 883 | 884 | 885 | 886 | 887 | 888 | 889 | 890 | 891 | 892 | 893 | 894 | 895 | 896 | 897 | 898 | 899 | 900 | 901 | 902 | 903 | 904 | 905 | 906 | 907 | 908 | 909 | 910 | 911 | 912 | 913 | 914 | 915 | 916 | 917 | 918 | 919 | 920 | 921 | 922 | 923 | 924 | 925 | 926 | 927 | 928 | 929 | 930 | 931 | 932 | 933 | 934 | 935 | 936 | 937 | 938 | 939 | 940 | 941 | 942 | 943 | 944 | 945 | 946 | 947 | 948 | 949 | 950 | 951 | 952 | 953 | 954 | 955 | 956 | 957 | 958 | 959 | 960 | 961 | 962 | 963 | 964 | 965 | 966 | 967 | 968 | 969 | 970 | 971 | 972 | 973 | 974 | 975 | 976 | 977 | 978 | 979 | 980 | 981 | 982 | 983 | 984 | 985 | 986 | 987 | 988 | 989 | 990 | 991 | 992 | 993 | 994 | 995 | 996 | 997 | 998 | 999 | 1000 |
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| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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5 and 5A of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Lieutenant Governor of Eastern Bengal and Assam is pleased to extend sections 22, 27, 38 (2) and 40 of the Chin Hills Regulation, 1896 (Regulation V of 1896), to the areas specified in the schedule hereto annexed, in the restricted and modified form set out below, namely:—

(1) Where the Superintendent or the Deputy Commissioner of any area specified in the schedule is satisfied that the presence of any person not being a native of such area is injurious to the peace or good administration of the area he may, for reasons to be recorded in writing, order such person to leave the area within a given time

(2) Whoever, not being a native of any such area, disobeys an order under clause 1 may on conviction by a Magistrate, be punished with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 1,000 or with both.

Garó Hills, the Khasi and Jaintia Hills, the Dibrúgarh Frontier Tract in the Lakhimpur District, the Naga Hills, the Mikir Hills Tract in the Nowgong District and the Lushai Hills District.

Appendix 1.—Scheduled Districts.

CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV of 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|-----|----------------------------------|--|--|---------------------------------|--------------|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification |
| 1896 | 5 | The Chin Hills Regulation, 1896. | <p>(3)—Regulations made under the Government of India Act, 1870 (33 and 34 Vict., cap. 2)—<i>concl'd.</i></p> <p>Extended to the North Cachar Sub-division of the Cachar District, the Garo Hills, the Khāsī and Jaintia Hills, the Dibrugarh Frontier Tract in the Lakhimpur District, the Naga Hills, the Mikir Hills Tract in the Nowgong District and the Lushai Hills District.</p> <p>See ss. 22, 23, 38(2) and 40</p> <p>See the Notification.</p> <p>(3) The Local Government may revise any order passed under clause 1.</p> <p>(4) No order made under clause 1 shall be called in question in any Civil or Criminal Court.</p> <p><i>Schedule.</i></p> <p>The North Cachar Sub-division of the Cachar District, the Garo Hills, the Khāsī and Jaintia Hills, the Dibrugarh Frontier Tract in the Lakhimpur District, the Naga Hills, the Mikir Hills Tract in the Nowgong District and the Lushai Hills District.</p> <p>(See Eastern Bengal and Assam Regulation, 1896.)</p> | | | |

| | | Ditto | Extended to the Eastern section, North East Frontier Tract, the Eastern section, North East Frontier Tract and the Lakhimpur Frontier Tract. | Ditto | Ditto | No 5472 P, dated 13th October, 1914, see ibid, p 3869 |
|------|--|-------|--|---|-------|---|
| 1862 | 31 The Bengal Land revenue Sules (Amendment) Act, 1862 | | Declared in force in the District of Sylhet | (4)—Bengal Acts. | | See Nos/n No 1152, dated 3rd October, 1879, ante |
| " | 71 The Bengal Land revenue Resumption Act, 1862 | | Ditto | Ditto | .. | Ditto |
| " | 82 The Bengal Zaminars Dal Act, 1862 | | Ditto | Ditto | .. | Ditto |
| " | " | Ditto | Declared in force in the District of Goalpara (excluding the Eastern India) | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District | .. | See Nos/n No 1110, dated 22nd August, 1878, ante |
| 1864 | 73 The Salt Act, 1864 | | Declared in force in the District of Sylhet | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam | .. | See Nos/n No 1162, dated 3rd October, 1879, ante |

¹ Ben. Acts III and VII of 1862 and III and VII of 1868 have been repealed in Sylhet by the Assam Land and Revenue Regulation, 1871 (I of 1870).

² Ben. Acts VIII of 1862 and VII of 1864 have been repealed in Assam by the Repealing and Amending Act, 1897 (V of 1897)

Appendix I.—Scheduled Districts.

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| SECTION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)— <i>contd.</i> | | | | | | |
|--|----------------|--|--|--|---------------------------------|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| 1864 | 7 ¹ | <i>The Salt Act, 1864—contd.</i> | (4)— <i>Bengal Acts—contd.</i> | | | |
| | | | Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern Duars), Kamrup, Lakhimpur, Nowgong and Sibsagar. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Notfn. No. 1110, dated 22nd August, 1878, ante. |
| 1865 | 8 ² | The Bengal Rent Recovery Act, 1865. | Declared in force in the District of Sylhet. | | | |
| 1866 | 1 ³ | <i>Ferries (amending Ben. Reg. 6 of 1819).</i> | Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern Duars), Kamrup, Lakhimpur, Nowgong and Sibsagar. | | | |
| 1868 | 3 ⁴ | <i>The Bengal Land-revenue Settlement Act, 1868.</i> | Declared in force in the District of Sylhet. | | | |
| " | 7 ⁴ | <i>The Bengal Land-revenue Sales Act, 1868.</i> | Ditto | Ditto | .. | See Notfn. No. 1152, dated 3rd October, 1879, ante. |

Appendix 1.—Scheduled Districts.

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|--|--------------------------------------|--|--|---------------------------------|--|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| 1869 | 51 | Courts of Session— <i>contd.</i> | (4)—Bengal Acts— <i>contd.</i> | | | |
| " | " | Ditto | Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern Duars), Kamrup, Lakhimpur, Nongong and Sibsagar. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | .. | See Nofsn. No. 1110, dated 22nd August, 1878, ante. |
| " | " | Ditto | Declared in force in the tract transferred from the Naga Hills District to the Sibsagar District and defined in Nofsn. No. 1436-P., dated the 11th April, 1901. | Ditto | .. | See Nofsn. No. 1439, dated 11th April, 1901, ante. |
| 82 | The Landlord and Tenant Procedure Act, 1869. | Extended to the District of Goalpara | The whole | .. | .. | The 9th May, 1892. No. 2050-J.—In exercise of the power conferred by section 5 of the Scheduled Districts (Act) XIV of 1874, the Chief Commissioner. |

1869 (an Act to amend the Procedure in suits between Landlords and Tenants) to the District of Goalpara under his administration [See Gazette of India, 1892, Pt. I, p. 355, Assam Gazette, 1892, Pt. I, p. 320. the Assam Local Statutory Rules and Orders, 1893, p. 55]

See No. 110, dated 22nd August, 1875, ante

See No. 1152, dated 3rd October, 1879, ante
The 1st May, 1878 [10th May, 1878]

No. 550.—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council to extend Act VI (B.C.) of 1870 (the Bengal Chhauki Act) and Act I (B.C.)

So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam

Ditto

The whole

Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara including the Eastern Duhra), Kamrup, Lakhimpur, Nongong and Sibsagar

Declared in force in the District of Sylhet

Extended to the District of Goalpara

The Courts of Ward's Act, 1870

Ditto

The Village Chaudhri Act, 1870

¹ See last footnote on page 812.

² Printed ante

³ Ben. Act IV of 1870 has been repealed by the Court of Wards Act, 1879 (Ben. Act IV of 1879), which has been extended to all the districts mentioned opposite the former Act in column 4 of this list—see post.

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV of 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|-----|---|--|--|---|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| 1870 | 61 | The Village-Chaukidari Act, 1870— <i>contd.</i> | Extended to the District of Goalpara. | The whole | .. | of 1871 (an Act to amend the Village Chaukidari Act of 1870) to the District of Goalpara, [and to direct that the powers conferred on the Lieutenant-Governor of Bengal by sections 53 and 65 of the said Act VI (B.C.) of 1870, and section VI of the said Act I (B.C.) of 1871, shall be exercised by himself.] [See Gazette of India, 1873, Pt. I, p. 200; Assam Gazette, 1878, Pt. I, p. 186; the Assam Local Statutory Rules and Orders, 1893, p. 55.] |
| " | " | Ditto | Extended to the Districts of Cachar and Sylhet. | | In section 2, for "Section 21, Regulation XX of 1817," read "The Sylhet | <i>The 7th June, 1897.</i> No. 2293-J.—In exercise of the powers conferred by sections 5 and 5A of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the |

and Cachar
Rural Police
Regulation,
1883.

Governor General in Council, the Chief Commissioner is pleased to extend to the Districts of Sylhet and Cachar the provisions of the Village Chāukdārī Act, 1870 (Bengal Act VI of 1870), as amended and amplified by Bengal Act, I of 1871, I of 1886 and I of 1892.

Provided that, for the purpose of the application of the said Acts so extended, the following modifications therein shall be made namely—

(1) in section 2 of the said Bengal Act VI of 1870, and also in section 1 of the said Bengal Act I of 1871, for the words and numerals

Section 21, Regulation XX of 1817," shall be read 'The Sylhet and Cachar Rural Police Regulation, 1883,'

(2) all references in the said Acts to the Calcutta Gazette shall be read as referring to the Assam Gazette]

[See Gazette of India, 1897, Pt I, p. 680, Assam Gazette, 1897, Pt II, p. 670, the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 10]

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| | | 5 | | | 6 | | 7 | |
|--------------------------------|----------------|---|---|--|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. | | |
| (4)—Bengal Acts— <i>contd.</i> | | | | | | | | |
| | | | Extended to the District of Goalpára. | The whole | .. | See Notfn. No. 580, dated 1st (10th) May, 1878, <i>ante</i> . | | |
| 1871 | 1 ¹ | The Bengal Village-Cháukdarí Act, 1871. | Extended to the Districts of Cachar and Sylhet. | Ditto | In section I, for "Section 21, Regulation 1817" read "The Sylhet and Cachar Rural Police Regulation, 1883." | See Notfn. No. 2295, dated 7th June, 1897, <i>ante</i> . | | |
| " | " | Ditto | | | | | | |
| | | | Declared in force in the District of Sylhet. | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any enactment extending to Assam. | | See Notfn. No. 1152, dated 3rd October, 1879, <i>ante</i> . | | |
| 1873 | 1 ² | The Bengal Salt Act, 1873. | | | | | | |
| " | " | Ditto | Declared in force in the Districts of Cachar (excluding the North Cachar and Goalpára). | So much as was in force on the 1st January, 1875, in those parts of Bengal not included in any Scheduled District and had not been repealed by any | | See Notfn. No. 1110, dated 22nd August, 1878, <i>ante</i> . | | |

| | | Eastern Duars), Kamrup Lakhimpur, Norgong and Sibsagar | enactment Assam | extending to | |
|----------------|--------------------------------------|---|--------------------|-----------------|--|
| 3 ^a | Excise | Ditto | Ditto | Ditto | Ditto |
| " | Ditto | Declared in force in the District of Sylhet | Ditto | Ditto | See Nuffn. No 1152, dated 3rd October, 1879, ante |
| 6 ^a | The Bengal Embankment Act, 1873 | Ditto | Ditto | Ditto | Ditto |
| " | Ditto | Declared in force in the Districts of Cachar (excluding the North Cachar Hills), Darrang, Goalpara (excluding the Eastern Duars), Kam rup, Lakhimpur, Norgong and Sibsagar | Ditto | Ditto | See Nuffn. No 1110, dated 22nd August, 1878, ante |
| 1874 | Police (Amending Act XXI of 1876) | Ditto | Ditto | Ditto | Ditto |
| " | Ditto | Declared in force in the District of Sylhet | Ditto | Ditto | See Nuffn. No 1155, dated 3rd October, 1879, ante |
| 1875 | The Bengal Survey Act, 1875 | Extended to the Districts of Goalpara and Sylhet | The whole | Ditto | The 25th February, 1878 No 100—The following No- tification by the Chief Com- missioner of Assam, dated the 31st January, 1878, is hereby published for general information.— In exercise of the power con- ferred by section 5 of Act XIV |

^a Printed ante^b Ben Act V and VI of 1873 have been repealed in Assam by the Repealing and Amending Act, 1897 (V of 1897).^c Ben Act III of 1877 has been repealed in Assam by the Bengal Excise and Licensing Act, 1878 (Ben Act VII of 1878)^d Ben Act I of 1874 has been repealed by the Bengal and Amending Act, 1903 (I of 1903)^e Ben Act V of 1873 has been repealed in Assam by the Repealing and Amending Act, 1891 (XII of 1891).

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|-----|---|--|--|---------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| 1875 | 51 | <i>The Bengal Survey Act, 1875—contd.</i> | <i>Extended to the Districts of Goalpāra and Sylhet.</i> | <i>The whole</i> | .. | <i>of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to extend Act V (B.C.) of 1875 (the Bengal Survey Act) to the Districts of Sylhet and Goalpāra. [See Gazette of India, 1878, Pt. I, p. 95; Assam Gazette, 1878, Pt. I, p. 59.]</i> |
| " | " | <i>Ditto</i> | <i>Extended to the District of Cachar.</i> | <i>Ditto</i> | .. | <i>The 7th February, 1879. No. 75.—The following Notification by the Chief Commissioner of Assam, dated the 2nd January, 1879, is hereby published for general information:—</i> <i>No. 1.—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the</i> |

Chief Commissioner is pleased, with the previous sanction of the Governor General in Council, to extend Act V (BC) of 1875 (the Bengal Survey Act) to the District of Cachar

[See Gazette of India, 1879, Pt. I, p. 97, Assam Gazette, 1879, Pt. I, p. 2]

The 15th December, 1881.
No. 1592.—In exercise of the power conferred by section , of Act XIV of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to extend Act I (BC) of 1876 (an Act to provide for the voluntary registration of Muhammadan Marriages and Divorces) with the omission of section 1, to the District of Sylhet, in the Chief Commissioner'ship of Assam

[See Gazette of India, 1881, Pt. I, p. 607, Assam Gazette, 1881, Pt. II, p. 574. the Assam Local Statutory Rules and Orders, 1891, p. 55]

The whole Act, except s. 1.

Extended to the District of Sylhet

The General Muhammadan Marriages and Divorces Registration Act, 1876

1 *

1876

* Item. Act V of 1875 has been repealed in Assam by the Repealing and Amending Act, 1891 (VII of 1891)
* Printed only.

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| B.—CHRONOLOGICAL INDEX OF THE SCHEDULED DISTRICTS ACTS. | | | | | | | |
|---|-----|--|--|--|---------------------------------|---------------|---|
| NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACTS. | | | | | | | |
| 1 | 2 | 3 | 4 | | 5 | 6 | 7 |
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. | |
| 1875 | 51 | The Bengal Survey Act, 1875— <i>contd.</i> | Extended to the Districts of Goalpára and Sylhet. | (4)—Bengal Acts— <i>contd.</i> | | | |
| | | | | The whole | | | |
| | | | Extended to the District of Cachar. | Ditto | | | |
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of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to extend Act V (B.C.) of 1875 (the Bengal Survey Act) to the Districts of Sylhet and Goalpára. [See Gazette of India, 1878, Pt. I, p. 95; Assam Gazette, 1878, Pt. I, p. 59.]

The 7th February, 1879.
No. 75.—The Chief Notification by the Commissioner of Assam, dated the 2nd January, 1879, is hereby published for general information :—
No. 1.—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the

Chief Commissioner as pleased, with the previous sanction of the Governor General in Council, to extend Act V (B.C.) of 1875 (the Bengal Survey Act) to the District of Cachar

[See Gazette of India, 1879, Pt I, p 97, Assam Gazette, 1879, Pt I, p 2.]

The 15th December, 1881
No 1592.—In exercise of the power conferred by section 3 of Act XIV of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to extend Act I (B.C.) of 1870 (an Act to provide for the voluntary registration of Muhammadan Marriages and Divorces) with the omission of section 1, to the District of Sylhet, in the Chief Commissioner'ship of Assam

[See Gazette of India, 1881, Pt I, p 607, Assam Gazette, 1881, Pt II, p 674, the Assam Local Statutory Rules and Orders, 1893, p. 65.]

The whole Act, except s 1.

Extended to the District of Sylhet

The Bengal Muhammadan Marriages and Divorces Registration Act, 1870

1870

¹ Ben Act V of 1875 has been repealed in Assam by the Repealing and Amending Act, 1891 (VII of 1891)
² Printed only.

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|----------------|--|--|--|---------------------------------|--|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| 1876 | 1 ¹ | The Bengal Muhammadan Marriages and Divorees Registration Act, 1876— <i>contd.</i> | Extended to the District of Cachar. | The whole Act, except s. 1. | .. | <i>The 25th June, 1883.</i> No. 926.—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act) the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to extend Act I (B.C.) of 1876 (<i>an Act to provide for the voluntary registration of Muhammadan Marriages and Divorees</i>), with the omission of section 1, to the District of Cachar, in the Chief Commissionership of Assam. [See Gazette of India, 1883, Pt. I, p. 265; Assam Gazette, 1883, Pt. III, p. 338; the Assam Local Statutory Rules and Orders, 1893, p. 55.] |
| | | Ditto | Extended to the Districts of Darrang, | The whole Act, except s. 1. | .. | <i>The 26th June, 1907.</i> No. 913.—In exercise of the power conferred by section |

5 of the scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Lieutenant Governor is pleased to extend to the Districts of Goalpara, Kamrup, Darrang, Nowgong, Sibsagar and Lakhimpur, sections 2 to 26 (both inclusive) of the Bengal Muhammadan Marriages and Divorces Registration Act, 1876 (Ben. Act I of 1876), together with the Schedule to the said Act [See E B and A Gazette, 1907, Pt II, p. 1001.]

21st May 1878
No 73.—In exercise of the power conferred by section 5, Act XIV, 1874 (Scheduled Districts Act) the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to extend Act V (B C) of 1876 (the Bengal Municipal Consolidation Act, 1876), to all the Districts comprised in the Chief Commissionership of Assam

Goalpara, Kamrup, Lakhimpur, Nowgong and Sibsagar

The whole

Extended to Assam :

The Bengal Municipal Act, 1876

¹ Printed note

² Ben. Act V of 1876 is printed ante. It has been repealed in places in Assam to which the Bengal Municipal Act, 1884 (Ben. Act III of 1884), has been extended (see post)

³ The operation of the Act has since been barred in the Lushai Hills—see Table C in Appendix II, post.

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

7

| B.—CHRONOLOGICAL TABLES OF EXTENSION UNDER THE SCHEDULED DISTRICTS ACT, 1874. | | | | | | | | | |
|---|----|---------------------------------------|--|--|-----------|--|--|---------------------------------|--|
| 1 | | 2 | 3 | 4 | | 5 | | 6 | Notification. |
| | | Year. | Short title or subject. | Places in or to which declared in force or extended. | | Extent to which declared in force or extended. | | Restrictions and modifications. | |
| | | | (4)—Bengal Acts—contd. | | | | | | |
| | | | Extended to Assam | | The whole | | .. | | [See Gazette of India, 1878 Pt. I, p. 290. Published in the Assam Gazette, 1878 Pt. I, p. 185, under date 10th May, 1878. See also the Assam Local Statutory Rules and Orders, 1893, p. 55.] |
| 1876 | 5 | The Bengal Municipal Act, 1876—contd. | The 14th February, 1879. No. 174.—In exercise of power conferred by section 5 of Act XIV of 1874 (Scheduled Districts Act), Chief Commissioner of Assam is pleased, with the sanction of the Council, General Act VII (B.C.) of extend Act VII (B.C.) of (the Bengal Excise Act the Bengal Commissioner of Assam subject to the proviso that the words in Act VII of 1868" in Act of 1878 shall not extend to any part of Assam in | | | | | | |
| 1878 | 71 | The Bengal Excise Act, 1878. | Ditto | | The whole | | The words "or by the process described in Bengal Act VII of 1868," in section 36 shall extend to any part of Assam in which Bengal Act VII of 1868 is not in force. ² For the first twenty-three words of s. 19 A (inserted | | |

[See Gazette of India, 1878, Pt. I, p. 290. Published in the Assam Gazette, 1878, Pt. I, p. 185, under date 10th May, 1878. See also the Assam Local Statutory Rules and Orders, 1893, p. 55.]

The 14th February, 1879.
No. 174.—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to extend Act VII (B.C.) of 1878 (the Bengal Excise Act), to the Chief Commissionership of Assam subject to the proviso that the words "or by the process described in Bengal Act VII of 1868" in Act VII of 1878 shall not extend to any part of Assam in which

The words "or by the process described in Bengal Act VII of 1868," in section 36 shall not extend to any part of Assam in which Bengal Act VII of 1868 is not in force.² For the first twenty-three words of s. 19 A (inserted

by Ben. Act I of 1863, s. 6, read: "In respect of excisable articles manufactured beyond the limits of the territories for the time being administered by the Chief Commissioner of Assam."

Bengal Act VII of 1868 is not in force.
[See Gazette of India, 1879, Pt. I, p. 106; Assam Gazette, 1879, Pt. II, p. 161, the Assam Local Statutory Rules and Orders, 1893, p. 56.]

The 26th April, 1901.

No 2256 Ex.—In continuation of the Notification of the Government of India cited on the margin, and in the Home Department, No 174, dated the 14th February, 1874, and the Notification of the Government of India in the Finance Department, No 173, dated the 7th December, 1883, the Governor General in Council is pleased to direct that section 19.1 of the Bengal Excise Act, 1878 (Bengal Act VII of 1878, as amended by Bengal Act I of 1883), as extended to Assam, shall be read as if for the first twenty three words the following words were substituted, namely:—
"In respect of excisable articles manufactured be-

1 Ben. Act VII of 1878 was repealed by E. B. and A. Act I of 1910 which applies to Assam.
2 Repealed E. B. and A. Act I of 1910.

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED, IN FORCE, OR
TIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|----------------|---|--|--|---------------------------------|--|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| 1878 | 7 | <i>The Bengal Excise Act, 1878—contd.</i> | (4)— <i>Bengal Acts—contd.</i> | | | |
| | | | <i>Extended to Assam</i> | <i>The whole</i> | .. | <i>beyond the limits of the territories for the time being administered by the Chief Commissioner of Assam.</i> [<i>See Gazette of India, 1901, Pt. I, p. 260; Assam Gazette, 1901, Pt. IIA, p. 385.</i>] |
| 1879 | 9 ¹ | <i>The Court of Wards Act, 1879.</i> | <i>Extended to the Districts of Cachar, Goalpara and Sylhet.</i> | <i>The whole</i> | .. | <i>The 28th January, 1880.</i> <i>No. 108.—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to extend the provisions of Act IX (B.C.) of 1879 (the Court of Wards Act) to the Districts of Sylhet, Cachar and Goalpara.</i> [<i>See Gazette of India, 1880, Pt. I, p. 73; Assam Gazette, 1880, Pt. II, p. 93, the</i> |

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|-----|---------------------------------------|---|--|---------------------------------|--|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| 1880 | 71 | The Public Demands Recovery Act, 1880 | Extended to the Districts of Goalpāra (excluding the Eastern Duārs) and Sylhet. | The whole | | <p>² The 15th September, 1881. No. 1212.—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to extend Act VII (B.C.) of 1880 (the Public Demands Recovery Act) to the Districts of Sylhet and Goalpāra (excluding the Eastern Duārs) in the Chief Commissionership of Assam.</p> <p>[See Gazette of India, 1881, Pt. I, p. 377; Assam Gazette, 1881, Pt. II, p. 432; the Assam Local Statutory Rules and Orders, 1893, p. 56.]</p> <p>The 1st July, 1905. No. 3184-R.—The Chief Commissioner of Assam, with the previous sanction of the Governor General in Council,</p> |

councils with effect from the 1st July 1905. Notification No 1212, dated the 15th September 1881, issued by the Government of India in the Home Department, extending the Public Demands Recovery Act, 111 (B C) of 1880, to the Districts of Sylhet and Goalpara (excluding the Eastern Duars)
[See Assam Gazette, 1905, Pt II, p 625]

The 14th November, 1881
No 1446 — In exercise of the powers conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to extend Act III (B C) of 1881 (as yet to amend the Court of Wards Act, 1879) to the District of Sylhet, in the Chief Commissionership of Assam
[See Gazette of India, 1881, Pt I p 539, Assam Gazette, 1881, Pt II, p 513 the Assam Local Statutory Rules and Orders, 1893, p 56]
See Notification No 1213 dated 1st April, 1897, ante

Ditto

Extended to the District of Sylhet

3 The Bengal Court of Wards (Amendment) Act, 1881

1881

Ditto

Extended to the Districts of Cachar and Goalpara

Ditto

* Ben Act VII of 1880 was repealed and re-enacted by Ben Act I of 1895

* This Notification is cancelled by Notification No 3181 R, dated 1st July 1905 printed on the next page

* Printed ante.

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874).—*contd.*

| B.—CHRONOLOGICAL TABLES OF THE SCHEDULED DISTRICTS. | | | | | | |
|---|----------------|--|--|--|---------------------------------|---|
| NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874. | | | | | | |
| 1 | 2 | 3 | 4 | | 5 | 6 |
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| 1881 | 4 ¹ | The Bengal Excise Act Amendment Act, 1881. | | (4)—Bengal Acts—contd. | | The 23rd September, 1881. No. 3218.—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor or General in Council, to extend Act IV (B.C.) of 1881 (an Act to amend the Bengal Excise Act, 1878), to the Chief Commissionership of Assam. [See Gazette of India, 1881, Pt. I, p. 429; Assam Gazette, 1881, Pt. II, p. 440; the Assam Local Statutory Rules and Orders, 1893, p. 56.] |
| 1883 | 1 ¹ | The Bengal Excise Amendment Act, 1883. | Extended to Assam | The whole Act, except s. 13 | | The 7th December, 1883. No. 1773.—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874, XIV of 1874, the |

Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to extend Act I (B.O.) of 1883 (an Act to amend the Bengal Excise Act, 1878), with the exception of section 13, to the Chief Commissionership of Assam.

(See Gazette of India 1883, Pt I, p 486, *Assam Gazette*, 1883, Pt III, p 690, the *Assam Local Statutory Rules and Orders*, 1893, p 56.)

See Nols'n No 2256, dated 26th April, 1901, ante

For the first twenty three words of s 19A of Ben Act VII of 1878 (inserted by Ben Act I of 1883, s 6), read "In respect of excisable articles manufactured beyond the limits of the territories for the time being administered by the Chief Commissioner of Assam."

* Ben Acts IV of 1881 and I of 1883 were repealed by F B and A, Act I of 1910 which applies to Assam

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 7 | | | 6 | | Notification. |
|---|-----|---------------------------------|--|--|---------------------------------|
| 1 | 2 | 3 | 4 | 5 | |
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. |
| 1884 | 31 | The Bengal Municipal Act, 1884. | Extended to the Towns of Dibrugarh, Gauhati and Sylhet, within municipal limits. | The whole | .. |
| <p>(4)—Bengal Acts—<i>contd.</i></p> <p><i>The 28th October, 1887.</i> <i>No. 109-J.</i>—In exercise of the powers conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to extend Act III (B.C.) of 1884 (the Bengal Municipal Act, 1884), to the town of Sylhet, Gauhati and Dibrugarh. The area within which the said Act will be in force is that of the municipality at present constituted at each of these places under Act V (B.C.) of 1876. [See Gazette of India, 1887, Pt. I, p. 577; Assam Gazette, 1887, Pt. II, p. 762; the Assam Local Statutory Rules and Orders, 1893, p. 57.]</p> | | | | | |

The 17th May, 1901
No 2047 J—In exercise of the powers conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Chief Commissioner of Assam is pleased to extend the Bengal Municipal Act, 1884 (Bengal Act III of 1884), to the Municipality of Dibrui
[See Assam Gazette, 1901, Pt II, p 416]

The 14th October, 1912
No 3810 M—In exercise of the powers conferred by sections 5 and 5 A of the Scheduled Districts Act XIV of 1874, and with the previous sanction of the Governor General in Council, the Chief Commissioner of Assam is pleased to extend the Bengal Municipal Act, 1884 (Bengal Act III of 1884) to the Municipality of Silchar in the District of Cachar provided that, for the purposes of the said Act so extended, all references therein to the *Calcutta Gazette* shall be read as references to the *Assam Gazette*
[See Assam Gazette, 1912, Pt II, p 572]

All references to the Calcutta Gazette to be read as references to the Assam Gazette

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV of 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|-----|---|--|--|--|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| 1884 | 31 | The Bengal Municipal Act, 1884— <i>contd.</i> | <p>(4)—<i>Bengal Acts</i>—<i>contd.</i></p> <p>Extended to the Sub-divisions of Sunamganj and Karimganj in the district of Sylhet.</p> | The whole | References to the Calcutta Gazette shall be read as references to the Assam Gazette. | <p><i>The 11th March, 1913.</i></p> <p>No. 1787-M.—In exercise of the powers conferred by sections 5 and 5A of the Scheduled Districts Act XIV of 1874, and with the previous sanction of the Governor General in Council, the Chief Commissioner of Assam is pleased to extend the Bengal Municipal Act (Bengal Act III of 1884), to the sub-division of Sunamganj and Karimganj in the district of Sylhet :</p> <p>Provided that for the purposes of the application of the said Act so extended, all references therein to the Calcutta Gazette shall be read as references to the Assam Gazette. [See Gazette of India, 1913, Pt. I, p. 232.]</p> |

| | | | | | | |
|---|---|-------|---|-------|---|---|
| " | " | Ditto | " | Ditto | " | <i>The 2nd April, 1913 No 2111</i> M—[The notification is in the same terms as the last preceding one.] See Gazette of India, 1913, Pt I, p 402 |
| " | " | Ditto | " | Ditto | " | <i>The 11th May, 1910 No 3182-</i> M—In exercise of the powers conferred by sections 5 and 5 A of the Scheduled Districts Act, XIV of 1874, and with the previous sanction of the Governor General in Council, the Lieutenant Governor of Eastern Bengal and Assam is pleased to extend the Bengal Municipal Act, 1884 (Ben Act III of 1884) to the Goalpara sub division of the Goalpara District. Provided that for the application of the Act so extended all references therein to the Calcutta Gazette shall be read as references to the Eastern Bengal and Assam Gazette. [See Gazette of India, 1910 Pt I, p 394.] |
| " | " | Ditto | " | Ditto | " | <i>The 1st January, 1909 No 1</i> M—[The notification is in the same terms as the last preceding one.] See Gazette of India, 1909, Pt I, p 331 |

¹ Printed ante.

² Now the Assam Gazette—see the Bengal, Bihar and Orissa and Assam Laws Act, 1912 (VII of 1912), s. 3, Sch. D, Pt III.

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 7 | | | | 6 | | Notification |
|--------------------------------|----------------|--|---|--|---------------------------------|--|
| 1 | 2 | 3 | 4 | 5 | 6 | |
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | |
| (4)— <i>Bengal Acts—contd.</i> | | | | | | |
| 1884 | 3 ¹ | The Bengal Municipal Act, 1884— <i>contd.</i> | Extended to the District of the Kháási and Jaintia Hills. | The whole | . | <p><i>The 2nd October, 1910.</i> <i>No. 7655-M.</i>—The notification is in the same terms as the two last preceding ones. See Gazette of India, 1910, Pt. I, p. 1020. <i>The 28th October, 1895.</i> <i>No. 4893-J.</i>—In exercise of the powers conferred by section 5 of the Scheduled Districts Act (XIV of 1874) and with the previous sanction of the Governor General in Council, the Chief Commissioner is pleased to extend Acts I (B.C.) of 1886 and I (B.C.) of 1892 (amending the Village Chaúkidári Act, 1870), to the District of Goálpára. of India, 1895, [See Gazette of India, 1895, Pt. I, p. 918; Assam Gazette, 1895, Pt. II, p. 1136; the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 10.]</p> |
| 1886 | 1 ¹ | The Bengal Village Chaúkidári (Amendment) Act, 1886. | Extended to the District of Goálpára. | Ditto | . | |

| | | | | | | |
|------|---|---|---|--|-------|---|
| 1889 | " | " | Ditto | Extended to the Districts of Cachar and Sylhet | Ditto | See Nofin No 2295, dated 7th June, 1897, ante |
| 1889 | 1 | " | <i>The Inland Emigrants' Health Act, 1889</i> | Extended to Assam | Ditto | The 2nd April, 1890 No 1211-J—In exercise of the power conferred by section 5 of the Scheduled Districts Act, XIV of 1874, the Chief Commissioner of Assam, with the previous sanction of the Governor General in Council, extends Act I (B C) of 1889 (<i>the Inland Emigrants' Health Act</i>) to the territories under his administration 1-1 |
| " | 2 | " | <i>The Private Fisheries Protection Act, 1889</i> | Extended to Assam | Ditto | [See <i>Gazette of India, 1890, Pt I, p 391, Assam Gazette, 1890, Pt II, p 140, the Assam Local Statutory Rules and Orders, 1893, p 57</i>] |
| " | 2 | " | " | " | " | The 10th September, 1889 No 89 J—In exercise of the power conferred by section 4 of the Scheduled District Act XIV of 1874, the Chief Commissioner of Assam, with the previous sanction of the Governor General in Council, extends Act II (B C) of 1889 (<i>an Act for the protection of the right of fishing in private waters</i>) to the territories under his administration |

1 Printed ante

2 Ben Act I of 1889 has been repealed by the Assam Labour and Emigration Act, 1901 (VI of 1901)

3 The operation of this Act has since been barred in the Lushai Hills—see Table C in Appendix II to this Volume.

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY ACT, (XIV OF 1874)—*contd.*

| FICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)— <i>contd.</i> | | | 5 | | 6 | 7 |
|---|-----|--|--|---|-------------------------------------|--|
| 1 | 2 | 3 | 4 | | Restictions and modifica- tions. | Notification. |
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | | |
| | | | (4)— <i>Bengal Acts</i> — <i>contd.</i> | | | |
| | | | The whole | | | |
| 1889 | 21 | The Private Fisheries Protection Act, 1889 — <i>contd.</i> | Extended to Assam | | | [See Gazette of India, 1889, Pt. I, p. 517; Assam Gaz- ette, 1889, Pt. II, p. 424, the Assam Local Statutory Rules and Orders, 1893, p. 57.] |
| | | | | | | See Notfn. No. 4393, dated 28th October, 1895, <i>ante</i> . |
| | | | | | | See Notfn. No. 2295-J., dated 7th June, 1897, <i>ante</i> . |
| 1892 | 11 | The Bengal Village Chaukidari (Amendment) Act, 1892. | Extended to the District of Goalpara. | Ditto | | <i>The 17th July, 1895. No. 3546-J.</i> —In exercise of the powers conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Chief Com- missioner of Assam is pleased, with the previous sanction of the Governor General in- Council, to extend Bengal Act IV of 1894 (<i>an Act</i> to amend the Bengal <i>Muni-</i> <i>cipal Act</i> , 1884), as amended |
| " | " | Ditto | Extended to the Dis- tricts of Cachar and Sylhet. | Ditto | | |
| 1894 | 11 | The Bengal Municipal (Amendment) Act, 1894. | Extended to the Towns of Dibrugarh, Gauhati and Sylhet within municipal limits. | The whole Act, as amended by Ben. Act 6 of 1894. | | |

| | | | | | |
|------|---|--|-------------------|-------------|---|
| 1893 | " | Municipalities (amending the Act of 1894) | Ditto | The whole . | by Bengal Act VI of 1894, ² to the towns of Sylhet, Gauhati and Dibrugarh The area within which the said Acts shall be in force is that of the Municipality as at present constituted at each of these places under Bengal Act III of 1884 [See Gazette of India, 1895, Pt. II, p. 949; Assam Gaz- ette, 1895, Pt. II, p. 863, the Assam Local Statutory Rules and Orders, 1893, p. 11] |
| 1895 | B | The Lepers Act, 1895 | Extended to Assam | Ditto | See No. 10 No. 3510 J, dated 17th July, 1895, ante |
| | | | | | The 22nd September, 1896 No. 6281 G.—In exercise of the powers conferred by sec- tion 5 of the Scheduled Dis- tricts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Chief Commis- sioner of Assam is pleased to extend the Lepers Act, 1895 (Bengal Act V of 1895), to the territories under his administration [See Assam Gazette, 1896, Pt. II, p. 787, the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 11] |

1 Printed in

2 By an Act VI of 1894 has been repealed by the Repealing and Amending Act, 1903 (I of 1903)

3 By an Act V of 1895 has been repealed by Act III of 1894 which has been extended to Assam by Notification under that Act
4 This Notification was revoked by Notification No. 4213 J, dated 26th September, 1904, printed on the next page

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*contd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|-----|---|--|--|---------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| 1895 | 5 | <i>The Lepers Act, 1893</i> — <i>contd.</i> | .. | .. | .. | <p><i>The 26th September, 1901.</i> No. 4213-J.—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Chief Commissioner of Assam is pleased to rescind Notification No. 6281 G., dated the 22nd September, 1896, by which the Lepers Act, 1895 (Bengal Act V of 1895), was extended to the territories under his administration.</p> <p>[See Gazette of India, 1901, Pt. I, p. 835; Assam Gazette, 1901, Pt. II, p. 711.]</p> |
| 1896 | 21 | <i>The Bengal Municipal (Amendment) Act, 1886</i> | Extended to the Municipalities of Dibrugarh, Gauhati and Sylhet. | The whole . | .. | |
| | | | | | | <p><i>The 10th June, 1897.</i> No. 2363-J.—In exercise of the powers conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of</p> |

1874), and with the previous sanction of the Governor General in Council, the Chief Commissioner of Assam is pleased to extend Bengal Act II of 1896 (an Act to further amend the Bengal Municipal Act, 1884) to the Municipalities of Sylhet, Gaubhati and Dabru-garb.

[See Gazette of India, 1897, Pt I, p 662, Assam Gazette, 1897, Pt II, p 624; the Assam Local Statutory Rules and Orders, Suppl., 1901, p 11.]

The 2nd April, 1900.
No 1219 J.—In exercise of the power conferred upon him by section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Chief Commissioner of Assam is pleased to extend Act II (B.C.) of 1899 (an Act to repeal the Civil Courts Amins Act, 1856) to the district of Sylhet.

See Gazette of India, 1900, Pt I, p. 240, Assam Gazette, 1900, Pt II, p. 197, the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 11.]

1899 22 The Bengal Civil Court Amins Act, 1899.

Extended to the District of Sylhet.

The whole

B.—CHRONOLOGICAL TABLES OF ENACTMENTS DECLARED IN FORCE, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874)—*concl'd.*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-------|-----|--|--|--|---------------------------------|---|
| Year. | No. | Short title or subject. | Places in or to which declared in force or extended. | Extent to which declared in force or extended. | Restrictions and modifications. | Notification. |
| 1911 | 11 | Eastern Bengal and Assam Court of Wards (Amendment) Act, 1911. | Extended to the Districts of Sylhet, Cachar (excluding the North Cachar sub-division), Goalpara, Kamrup, Nowgong, Darrang, Sibsagar and Lakhimpur. | The whole. | | <i>The 27th November, 1911.</i> <i>No. 2516-R.</i> —In exercise of the powers conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Lieutenant-Governor of Eastern Bengal and Assam is pleased to extend the Eastern Bengal and Assam Court of Wards (Amendment) Act, 1911 (I of 1911), to the districts (as in column 4). |
| 1912 | 3 | The Eastern Bengal and Assam Military Police Act, 1912. | Extended to the Central and Eastern sections of the North-East Frontier Tract. | The whole. | | [See Gazette of India, 1911, Pt. I, p. 1042.] No. 5461-P., dated 13th October, 1914. [See Assam Gazette, 1914, Pt. II, p. 2007.] |

(5)—*Eastern Bengal and Assam Acts.*

No. 5465-P., dated 13th October, 1914, *see ibid.*, p. 2008.
 No. 5469-P., dated 13th October, 1914, *see ibid.*, p. 2008.

Ditto

Ditto

Extended to the Lakhimpur Frontier Tract.

Extended to the Western section of the North-East Frontier Tract.

Ditto

Ditto

C.—CHRONOLOGICAL TABLE OF ENACTMENTS DECLARED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874), TO BE NOT ACTUALLY IN FORCE IN ASSAM OR PARTS THEREOF.

| 1 | 2 | 3 | 4 | 5 | 6 |
|------|-----|--------------|--|--|---------------|
| Year | No. | Short title. | Places in which declared to be not in force. | Extent to which declared to be not in force. | Notification. |

Acts of the Governor General of India in Council.

| | | | | | |
|------|----------------|----------------------------|---|-------------|--|
| 1859 | 10 | The Bengal Rent Act, 1859. | Assam . . . | The whole . | <p><i>The 1st April 1897.</i> No. 1245-J.—In exercise of the power conferred by section 3, clause (b), of the Scheduled Districts Act (XIV of 1874), and with the previous sanction of the Governor General in Council, the Chief Commissioner is pleased to declare that Act X of 1859 is not in force in the territories administered by the Chief Commissioner of Assam.</p> <p>[See Gazette of India, 1897, Pt. I, p. 302; Assam Gazette, 1896, Pt. II, p. 287; the Assam Local Statutory Rules and Orders, Suppl., 1901, p. 8.]</p> |
| 1870 | 7 ¹ | The Court-fees Act, 1870. | The Gáro Hills, Khási and Jaintia Hills and Nága Hills Districts. | The whole | <p><i>The 22nd April, 1884.</i> No. 991-E.—In exercise of the powers conferred by section 3 of Act XIV of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council, to declare that the Court-fees Act, 1870, and the Code of Criminal Procedure, 1872, are not actually in force in the under-mentioned districts:—</p> <p>(1) the Gáro Hills District;</p> |

¹ Act VII of 1870 has since been extended to the Gáro Hills, Khási and Jaintia Hills and Nága Hills Districts—see Notfn. No. 992-J., dated 13th September 1897, Table B, ante.

C—CHRONOLOGICAL TABLE OF ENACTMENTS DECLARED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874), TO BE NOT ACTUALLY IN FORCE IN ASSAM OR PARTS THEREOF—contd

| 1 | 2 | 3 | 4 | 5 | 6 |
|---|-----------------|---|--|---|---|
| Year | No | Short title | Places in which declared to be not in force | Extent to which declared to be not in force | Notification |
| <i>Acts of the Governor General of India in Council—contd</i> | | | | | |
| 1870 | 7 | The Court fees Act, 1870— <i>contd.</i> | The Garo Hills, Khasi and Jaintia Hills and Naga Hills Districts | The whole | (2) the Khasi and Jaintia Hills District. (3) the Naga Hills District [See Gazette of India, 1884, Pt I, p 164 Assam Gazette, 1884, Pt III, p 218, the Assam Local Statutory Rules and Orders, 1893 p 53] |
| 1872 | 10 ¹ | The Code of Criminal Procedure | The Garo Hills, Khasi and Jaintia Hills and Naga Hills Districts | The whole | See Notification No 991 E, dated 22nd April, 1884, ante |
| 1877 | 3 ¹ | The Indian Registration Act, 1877 | Ditto | Ditto | The 12th November, 1878 No 2065—In exercise of the power conferred by section 3 of Act XIV of 1874 (the Scheduled Districts Act), the Chief Commissioner of Assam is pleased, with the previous sanction of the Governor General in Council to declare that s.1et 3 of 1877 (the Indian Registration Act) is not actually in force in the undermentioned territory and districts— (1) the territory known as the Garo Hills; |

¹ Act X of 1872 was repealed and re-enacted by Act X of 1882, which again has been

² Act III of 1877 was repealed and re-enacted by Act III of 1877 was extended to

- (1)
(2)

But and Nar

The opor
Tracts Regul
Mokokhang sub-division of the Naga Hills District, the North Cachar Hills and the Nowgong
Mikir Hills Tract—see Appendix II, Table C, post

C.—CHRONOLOGICAL TABLE OF ENACTMENTS DECLARED, BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874), TO BE NOT ACTUALLY IN FORCE IN ASSAM OR PARTS THEREOF—concl'd.

| 1 | 2 | 3 | 4 | 5 | 6 |
|------|-----|--------------|--|--|--------------|
| Year | No. | Short title. | Places in which declared to be not in force. | Extent to which declared to be not in force. | Notification |

Acts of the Governor General of India in Council—concl'd.

| | | | | | |
|------|---|---|----|----|---|
| 1877 | 3 | <i>The Indian Registration Act, 1877—con'd.</i> | .. | .. | <p>(2) the District of the Khási and Jaintia Hills;</p> <p>(3) the District of the Nága Hills.</p> <p>2. This notification cancels the Home Department Notification No. 1825, dated the 8th ultimo.</p> <p>[See Gazette of India, 1878, Pt. I, p. 662; Assam Gazette, 1878, Pt. II, p. 570; the Assam Local Statutory Rules and Orders, 1893, p. 53.]</p> |
|------|---|---|----|----|---|

D—SCHEDULED DISTRICTS IN ASSAM WHICH ARE ADMINISTERED UNDER RULES MADE UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874), SECTION 6

| 1 | 2 | 3 |
|---|---|---|
| Areas ¹ | Subject of rules | Reference |
| Central and Eastern Sections, North East Frontier | Administration of Justice | Notfn. No. 6709 P, dated 16th November 1914 (Assam Gazette, 1914, Pt. II, p. 2206) |
| Dibrugarh Frontier Tract | General administration, Police, Criminal Procedure, Civil Procedure | Notfn. No. 12518-J, dated 29th November, 1906 (E. B. and A. Gazette, 1906, Pt. II, p. 1229) |
| | Sentences of death | The Assam Local Statutory Rules and Orders 1893, pp. 97, 98 |
| Eastern Duars in the Goalpara District. | Civil justice | Notfn. No. 12516-J, dated 29th November, 1906 (E. B. and A. Gazette, 1906, Pt. II, p. 1218) |
| Garohills District | General administration, Police, Criminal justice, Civil Rules | The Assam Local Statutory Rules and Orders 1893 pp. 92, 97, and Correction Slip No. 130 |
| | Sentences of death | The Assam Local Statutory Rules and Orders, 1893, pp. 97, 98 |
| Khas and Jaintia Hills District. | General administration, Police, Criminal justice, Civil Rules | Notfn. No. 15521-J, dated 29th November 1906 (E. B. and A. Gazette, 1906, Pt. II, p. 1224), No. 3425-J, dated 2nd September, 1907 (E. B. and A. Gazette, 1907, Pt. II, p. 3025) No. 3850 P, dated 18th September, 1912 (Assam Gazette, 1912, Pt. II, p. 1242) |
| | Sentences of death | The Assam Local Statutory Rules and Orders, 1893, pp. 97, 98 |
| Lakhimpur Frontier Tract | Administration of Justice | Notfn. No. 6865 P, dated the 18th November, 1914 (Assam Gazette, 1914 Pt. II, p. 2247) |
| Lushai Hills | General administration, Taxes, Tribute and Labour, Arms and Ammunition, Criminal justice, Civil justice | Notfn. No. 12522-J, dated 29th November 1906 (E. B. and A. Gazette, 1906 Pt. II, p. 1233) |

¹ All the areas mentioned in column 1 of this Table are de-regulationized tracts, as defined in Appendix II the explanatory note put, with the exception of the Eastern Duars in the Goalpara District and the Silchar and Mikir Hills Tract.

D.—SCHEDULED DISTRICTS IN ASSAM WHICH ARE ADMINISTERED UNDER RULES MADE UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874), SECTION 6—*concl'd.*

| 1 | 2 | 3 |
|--|---|---|
| Arcas. | Subject of rules. | Reference. |
| “ Nāga Hills District . | General administration ; Police ; Criminal justice ; Civil Rules. | Notfns. No. 12520-J., dated 29th November, 1906 (E. B. and A. Gazette, 1906, Pt. II, p. 1226), and No. 2046-J., dated 16th May, 1907 (<i>ib.</i> , 1907, Pt. II, p. 622), and No. 75-P., dated 1st February 1910, <i>ib.</i> , 1910, Pt. II, p. 248. |
| | Sentences of death . . . | The Assam Local Statutory Rules and Orders, 1893, pp. 97, 98. |
| North Cachar Hills (North Cachar Sub-division of the Cachar District). | General administration ; Police ; Criminal Procedure ; Civil Procedure. | Notfn. No. 12519-J., dated 29th November, 1906 (E. B. and A. Gazette, 1906, Pt. II, p. 1222). |
| | Sentences of death . . . | The Assam Local Statutory Rules and Orders, 1893, pp. 97, 98. |
| Nowgong Mikir Hills Tract. ² | General administration ; Police ; Criminal justice ; Civil Rules. | Notfn. No. 3873-J., dated 26th September, 1907 (E. B. and A. Gazette, 1907, Pt. II, p. 3063). |
| | Sentences of death . . . | The Assam Local Statutory Rules and Orders, 1893, pp. 97, 98. |
| Sibsāgar Mikir Hills Tract ³ | General administration ; Police ; Criminal justice ; Civil Rules. | Notfn. No. 3873-J., dated 6th September, 1907 (E. B. and A. Gazette, 1907, Pt. II, p. 3063). |
| Khāsi and Jaintia Hills, Lushai Hills and Nāga Hills Districts and the North Cachar Hills. | Directing that the Commissioner of the Surma Valley and Hill Districts shall exercise and perform the jurisdiction, powers, and duties conferred and imposed on a Commissioner of a Division. | Notfn. No. 12-C., dated 16th October, 1905 (E. B. and A. Gazette, Extraordinary, of same date). |
| Western section, North-East Frontier. | Administration of justice . | Notfn. No. 6728-P., dated 17th November 1914, (Assam Gazette, 1914, Pt. II, p. 2211.). |

¹ For description of the northern and eastern boundary of the District, see Notification No. 77-P., dated 1st February, 1910, in E. B. and Assam Gazette, 1910, Pt. II, p. 248.

² As to the designation and boundaries of this Tract, see Notfn. No. 3875-J., dated 6th September, 1907, in E. B. and A. Gazette, 1907, Pt. II, p. 3067.

³ As to the designation and boundaries of this Tract, see Notification No. 3874-J., dated 6th September, 1907, in *ibid.*

APPENDIX II —THE DE-REGULATIONIZED TRACTS IN ASSAM

A —EXPLANATORY NOTE

1 The expression "de regulationized tracts," as used in this Code, means tracts in respect of which the Legislature has empowered the Government to direct that particular enactments shall cease to be in force

2 The de regulationized tracts in the Province of Assam are—

the Dibrugarh Frontier Tract, in the

Lakhimpur District,

the Gáro Hills District,

the Khási and Jaintia Hills District

the Lushai Hills District,

see Table B post

the Nága Hills District,

the North Cachar Hills (the North

Cachar sub division of the Cachar

District), and

the Nongong Mikir Hills Tract ¹

which have been notified under section 1 of the Assam Frontier Tracts Regulation, 1880 (II of 1880) The enactments which have been barred in these tracts are noted in Table C *post*

¹ As to the designation and boundaries of this Tract, *see* Notfn. No. 3873-J, dated 6th September, 1907, in E. B. and A. Gazette, 1907, Pt II, p. 2067.

B.—AREAS TO WHICH THE ASSAM FRONTIER TRACTS REGULATION, 1880 (II OF 1880),¹ HAS BEEN EXTENDED BY NOTIFICATION UNDER SECTION 1 THEREOF.

| 1 | 2 |
|--|--|
| Areas. | Reference. |
| Dibrugarh Frontier Tract in the Lakhimpur District. | See the Assam Local Statutory Rules and Orders, 1893, pp. 407, 408. |
| Garo Hills District | See the Assam Local Statutory Rules and Orders, 1893, p. 402 and (boundaries), pp. 16 to 24, 406. |
| Khási and Jaintia Hills District | <p>{ See the Assam Local Statutory Rules and Orders; 1893, pp. 402 to 406 and (boundaries), pp. 15, 16.</p> <p>{ See the Assam Local Statutory Rules and Orders, Supplement, 1901, pp. 181 to 185.</p> |
| Lushai Hills | See the Assam Local Statutory Rules and Orders, Supplement, 1901, pp. 185, 186. |
| " " the tract transferred from the Cachar District in 1904. | See the Assam Local Statutory Rules and Orders, 1893, Correction Slip No. 303. |
| 2Naga Hills District | See the Assam Local Statutory Rules and Orders, 1893, pp. 401, 402; also Notfns. No. 988-R., dated 24th February, 1903 (Assam Gazette, 1903, Pt. II, p. 109), No. 38-J., dated 18th October, 1905 (E. B. and A. Gazette, 1905, Pt. II, p. 25), and No. 12151-J., dated 13th November, 1906 (E. B. and A. Gazette, 1906, Pt. I, p. 1145). |
| " " " the Mokochehang sub-division. | See ³ Notfn. No. 166-J., dated 16th January, 1891, and (boundaries) Notfn. No. 948-C., dated 7th February, 1906 (E. B. and A. Gazette, 1906, Pt. II, p. 128), No. 69-P., dated 1st February 1910 (<i>ibid.</i> , 1910, Pt. II, p. 247). |
| North Cachar Hills (the North Cachar sub-division of the Cachar District). | See the Assam Local Statutory Rules and Orders, 1893, pp. 400, 401. |
| 4Nowgong Mikir Hills Tract | See the Assam Local Statutory Rules and Orders, 1893, pp. 406, 407. |

¹ Printed *ante*.

² For the description of the northern and eastern boundaries of the district, see notification No. 77-P., dated 1st February, 1910, in E. B. and Assam Gazette, 1910, Pt. II, p. 248.

³ This notification was issued under the Scheduled Districts Act, 1874 (XIV of 1874), s. 5. It extended to the Mokochehang sub-division Reg. II of 1880 with the exception of the second and third paragraphs of s. 1, the words "in manner hereinbefore prescribed" in s. 2, and the words "as aforesaid" in s. 3. The notification is printed in Appendix I, Table B, col. 7, *ante*.

⁴ As to the designation and boundaries of this Tract, see Notfn. No. 3875-J., dated 6th Sept., 1907, in E. B. and A. Gazette, 1907, Pt. II, p. 3067.

C.—AREAS IN WHICH THE OPERATION OF ENACTMENTS HAS BEEN BARRED BY NOTIFICATION UNDER THE ASSAM FRONTIER TRACTS REGULATION, 1880 (II of 1880),¹ SECTION 2.

[N.B.—All notifications issued under Reg II of 1880, s 2, are subject to the proviso that they shall not affect the criminal jurisdiction of any Court over European British subjects—see that section in Vol I, ante

| 1 | 2 | 3 | 4 |
|---|---|-------------------------------------|--|
| Areas | Enactments | Notification | Reference |
| Central and Eastern sections, North-East Frontier Tract | All enactments in force on the 13th October 1914, except the Assam Frontier Tracts Regulation, 1880 (2 of 1880) | No 5459 P, dated 13th October 1914 | Assam Gazette 1914, Pt III, p 2007 |
| Dibrugarh Frontier Tract | <i>The Indian Registration Act, 1877 (3 of 1877)</i> ² <i>The Transfer of Property Act, 1882 (4 of 1882)</i> ³ <i>The Code of Civil Procedure (Act 14 of 1882)</i> ⁴ | No 67 J, dated 6th May, 1884 | See the Assam Local Statutory Rules and Orders, 1893, p 409 |
| | <i>The Code of Criminal Procedure, 1898 (Act 5 of 1898)</i> ⁵ | No 3151-J, dated 4th August, 1898 | See the Assam Local Statutory Rules and Orders, Supplement, 1901, p 186 |
| | <i>The Indian Stamp Act, 1899 (2 of 1899)</i> ⁶ | No 502 J, dated 19th February, 1903 | See the Assam Local Statutory Rules and Orders, 1893, Correction Slip No 291 |
| Garo Hills District | <i>The Transfer of Property Act, 1882 (4 of 1882)</i> ³ | No 81 J, dated 19th November 1884 | See the Assam Local Statutory Rules and Orders, 1893, pp 408, 409 |
| | <i>The Code of Criminal Procedure, 1898 (Act 5 of 1898)</i> ⁵ | No 3151-J, dated 4th August, 1898 | See the Assam Local Statutory Rules and Orders, Supplement, 1901, p 186 |
| | <i>The Indian Stamp Act, 1899 (2 of 1899)</i> ⁶ | No 502-J, dated 19th February, 1903 | See the Assam Local Statutory Rules and Orders, 1893, Correction Slip No 291 |

¹ Printed ante

printed in General
detailed Districts Act,
Jaintia Hills and
or dates, extended,
Hills District (see

² Printed in General Acts, Vol III

³ Act XIV of 1882 has been repealed and re-enacted by Act V of 1908 which is printed in General Acts, Vol VI

⁴ Printed in General Acts, Vol V.

⁵ Printed in General Acts, Vol V. Act II of 1899 has since been extended, with a proviso, to each of the areas mentioned in column I of this List—see Notifs No 603 J, dated 10th February, 1903, and No 4949, dated 12th November 1901, in Appendix I, Table B, ante

C.—AREAS IN WHICH THE OPERATION OF ENACTMENTS HAS BEEN BARRED BY NOTIFICATION UNDER THE ASSAM FRONTIER TRACTS REGULATION, 1880 (II OF 1880), SECTION 2—*contd.*

| 1 | 2 | 3 | 4 |
|---|--|--|--|
| Areas. | Enactments. | Notification. | Reference. |
| Khási and Jaintia Hills District. | The Transfer of Property Act, 1882 (4 of 1882). ¹ | No. 81-J., dated 19th November, 1884. | See the Assam Local Statutory Rules and Orders, 1893, pp. 408, 409. |
| | The Code of Criminal Procedure, 1898 (Act 5 of 1898). ² | No. 3151-J., dated 4th August, 1898. | See the Assam Local Statutory Rules and Orders, Supplement, 1901, p. 186. |
| | The Indian Stamp Act, 1899 (2 of 1899). ³ | No. 502-J., dated 19th February, 1903. | See the Assam Local Statutory Rules and Orders, 1893, Correction Slip No. 291. |
| Lakhimpur Frontier Tract. | All enactments in force on the 13th October 1914 except the Assam Frontier Tracts Regulation, 1880 (2 of 1880). | No. 5463-P., dated 13th October 1914. | See Assam Gazette, 1914, Pt. II, p. 2008. |
| Lushai Hills | All enactments ⁴ in force on the 1st April, 1898. | No. 920-P., dated 1st April, 1898 | See the Assam Local Statutory Rules and Orders, Supplement, 1901, p. 186. |
| | The Code of Criminal Procedure, 1898 (Act 5 of 1898). ² | No. 3151-J., dated 4th August, 1898. | Ditto. |
| | The Indian Stamp Act, 1899 (2 of 1899). ³ | No. 75-J., dated 8th January, 1904. | See the Assam Local Statutory Rules and Orders, 1893, Correction Slip No. 291. |
| „ „ (the tract transferred from the Cachar District in 1904). | All enactments ⁴ in force on the 16th March, 1904, except the Police Act, 1861 (5 of 1861), ⁵ and the Assam Frontier Tracts Regulation, 1880 (2 of 1880). ⁶ | No. 1094, dated 16th March, 1904. | See the Assam Local Statutory Rules and Orders, 1893, Correction Slip No. 305. |

¹ Printed in General Acts, Vol. III.

² Printed in General Acts, Vol. V.

³ Printed in General Acts, Vol. V. Act II of 1899 has since been extended, with a proviso to each of the areas mentioned in column 1 of this List—see Notifs. No. 503-J., dated 19th February, 1903, and No. 4949, dated 12th November, 1904, Appendix I, Table B, *ante*.

⁴ The following enactments, passed before the issue of the notifications mentioned in column 3, have since been extended to, or declared in force in, the Lushai Hills District, (see Appendix I, Table B) namely :—

the Indian Penal Code (Act XLV of 1860) ;

the Court-fees Act, 1870 (VII of 1870) ;

the Scheduled Districts Act, 1874 (XIV of 1874) ;

the Assam Police-officers Regulation, 1883 (II of 1883).

⁵ Printed in General Acts, Vol. I.

⁶ Printed Vol. I, *ante*.

C—AREAS IN WHICH THE OPERATION OF ENACTMENTS HAS BEEN BARRED BY NOTIFICATION UNDER THE ASSAM FRONTIER TRACTS REGULATION, 1880 (II OF 1880), SECTION 2—contd.

| 1 | 2 | 3 | 4 |
|---|---|--------------------------------------|--|
| Areas | Enactments | Notification. | Reference |
| Naga Hills Districts ¹ | The Transfer of Property Act, 1882 (4 of 1882) ² | No 26 J, dated 6th May 1884 | See the Assam Local Statutory Rules and Orders, 1893, p. 408 |
| | The Code of Criminal Procedure, 1898 (Act 5 of 1898) ³ | No 3151-J, dated 4th August, 1898 | See the Assam Local Statutory Rules and Orders, Supplement, 1901, p. 186 |
| | The Indian Stamp Act, 1899 (2 of 1899) ⁴ | No 602-J, dated 19th February, 1903 | See the Assam Local Statutory Rules and Orders, 1893, Correction Slip No 291 |
| Naga Hills District (the Mokokchaug Sub division) | The Indian Registration Act, 1877 (3 of 1877) ⁵ | { No 167-J, dated 16th January, 1891 | See the Assam Local Statutory Rules and Orders, 1893, p. 408 |
| | The Transfer of Property Act, 1882 (IV of 1882) ² | | |
| Naga Hills District (the tract added by Notfn No 68 P, dated 1st February, 1910 | The Court fees Act, 1870 * | { No 71 P, dated 1st February, 1910 | See Eastern Bengal and Assam Gazette, 1910, Pt. II, p. 247 |
| | The Indian Registration Act, 1908, | | |
| | The Indian Stamp Act, 1899 * | | |
| | The Transfer of Property Act, 1882 | | |
| | The Criminal Procedure Code, 1898 | | |
| North Cachar Hills (North Cachar sub-division of the Cachar District) | The Indian Registration Act, 1877 (III of 1877) ^{1*} | { No 28-J, dated 6th May, 1884 | See the Assam Local Statutory Rules and Orders, 1893, p. 408 |
| | The Transfer of Property Act, 1882 (4 of 1882) ² | | |
| | The Code of Criminal Procedure, 1898 (Act 5 of 1898) ³ | No 3151-J, dated 4th August, 1898 | See the Assam Local Statutory Rules and Orders Supplement, 1901, p. 186 |
| | The Indian Stamp Act, 1899 (11 of 1899) ⁴ | No 602-J, dated 19th February, 1903 | See the Assam Local Statutory Rules and Orders, 1893, Correction Slip No 291 |

¹ For the description of the northern and eastern boundary of this district, see Notfn. No 77 P, dated the 1st February, 1910, in E B and A Gazette, 1910, Pt. II, p. 248

² Printed in General Acts, Vol. III

³ Printed in General Acts, Vol. V

since been extended, with a proviso, —see Notfn. No 503-J, dated 19th 1901, in Appendix I, Table B ante Act XXI of 1905 which is printed in notification dated 12th November, 1914, s. 3, to be not actually

have been extended to this of 1874, subject to a proviso Gazette, 1910, Pt. II, p. 248

C.—AREAS IN WHICH THE OPERATION OF ENACTMENTS HAS BEEN BARRED BY NOTIFICATION UNDER THE ASSAM FRONTIER TRACTS REGULATION, 1880 (II OF 1880), SECTION 2—*concl'd.*

| 1 | 2 | 3 | 4 |
|---|---|---|--|
| Areas. | Enactments. | Notification. | Reference. |
| Nowgong Mikir Hills Tract. ⁶ | <i>The Indian Registration Act, 1877 (3 of 1877).¹</i> <i>The Transfer of Property Act, 1882 (4 of 1882).²</i> <i>The Code of Civil Procedure (Act XIV of 1882).³</i> <i>The Code of Criminal Procedure, 1898 (Act 5 of 1898).³</i> <i>The Indian Stamp Act, 1899 (II of 1899).⁴</i> | No. 86-J., dated 28th November, 1884. No. 3151-J., dated 4th August, 1898. No. 502-J., dated 19th February, 1903. | See the Assam Local Statutory Rules and Orders, 1893, p. 409. See the Assam Local Statutory Rules and Orders, Supplement, 1901, p. 186. See the Assam Local Statutory Rules and Orders, 1893, Correction Slip No. 291. |
| Western section North-East Frontier Tract. | All enactments in force on the 13th October, 1914, except the Assam Frontier Tracts Regulation, 1880 (II of 1880). | No. 5467-P., dated 13th October, 1914. | See Assam Gazette, 1914, Pt. II, p. 2008. |

¹ Act III of 1877 has been repealed and re-enacted by Act XVI of 1908 which is printed in General Acts, Vol. VI. Act III of 1877 was declared by notification dated 12th November, 1878, issued under the Scheduled Districts Act, 1874 (XIV of 1874), s. 3, to be not actually in force in the Naga Hills District (*see ante*).

² Printed in General Act, Vol. III.

³ Printed in General Act, Vol. V.

⁴ Printed in General Act, Vol. V. Act II of 1899 has since been extended, with a proviso, to each of the areas mentioned in column 1 of this List—see Notfn. No. 593-J., dated 19th February, 1903, *ante*, and No. 424, dated 12th November, 1914, in Appendix I, Table B, *ante*.

⁵ Act XIV of 1882 has been repealed and re-enacted by Act V of 1908 which is printed in General Acts, Vol. VI.

⁶ As to the designation and boundaries of this tract, *see* Notfn. No. 3875 J., dated 6th September, 1907, in E. B. and A. Gazette, 1907, Pt. II, p. 3067.

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- De regulationized Tracts See Appendix II pages 879-884
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